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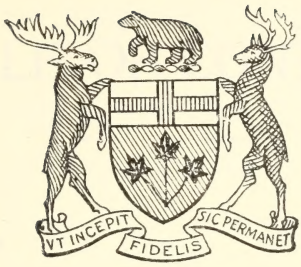
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ONTARIO

STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD AT TORONTO IN THE

Seventeenth and Eighteenth Years of the Reign of Her Majesty QUEEN ELIZABETH II

Being the Second Session of the Twenty-Eighth Legislature of Ontario

CONVENED ON THE 19TH DAY OF NOVEMBER, 1968, AND
PROROGUED ON THE 17TH DAY OF DECEMBER, 1969

HIS HONOUR W. ROSS MACDONALD
LIEUTENANT GOVERNOR

TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER
1969

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PART I

PUBLIC ACTS

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ONTARIO

17-18 ELIZABETH II

CHAPTER 1

An Act to amend The Age Discrimination Act, 1966

Assented to October 31st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Age Discrimination Act, 1966* is amended by adding thereto the following section: 1966, c. 3, amended

4*a*. This Act applies to and binds the Crown in right of Ontario and every agency thereof. Crown bound by Act

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Age Discrimination Amendment Act, 1968-69*. Short title

CHAPTER 2

An Act to amend The Air Pollution Control Act, 1967

Assented to June 18th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *e* and *f* of section 1 of *The Air Pollution Control Act, 1967* are repealed and the following substituted therefor: 1967, c. 2, s. 1, cls. *e*, *f*, re-enacted

(*e*) "Department" means the Department of Energy and Resources Management;

(*f*) "Minister" means the Minister of Energy and Resources Management.

2. Section 5 of *The Air Pollution Control Act, 1967* is amended by adding thereto the following subsection: 1967, c. 2, s. 5, amended

(4) No person shall obstruct a provincial officer in the exercise of his powers under this section. Obstructing provincial officer

3. Section 7 of *The Air Pollution Control Act, 1967* is amended by adding thereto the following subsections: 1967, c. 2, s. 7, amended

(4) No person shall construct a stationary source of air pollution except in accordance with the plans, specifications, methods and devices in respect of which the certificate of approval was issued. Construction in accordance with approval

(5) A certificate of approval expires one year after it is issued unless the construction in respect of which it was issued has commenced before that time. Expiration of certificate of approval

4. Subsection 1 of section 14 of *The Air Pollution Control Act, 1967* is amended by adding thereto the following clause: 1967, c. 2, s. 14, subs. 1, amended

(*ca*) providing for the issuance by the Minister of certificates of approval of systems or devices proposed to be installed on or incorporated in motor vehicles to prevent or lessen emission into the outdoor atmosphere of air contaminant or contaminants.

5.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Air Pollution Control Amendment Act, 1968-69*.

CHAPTER 3

The Ambulance Act, 1968-69

Assented to October 31st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "ambulance" means a conveyance used or intended to be used in an ambulance service for the transportation of persons requiring medical attention or under medical care;

(*b*) "ambulance service" means a service held out to the public as available for the conveyance of persons requiring medical attention or under medical care, and includes the service of dispatching ambulances;

(*c*) "Commission" means the Ontario Hospital Services Commission;

(*d*) "Director" means the Director of Emergency Health Services;

(*e*) "Minister" means the Minister of Health;

(*f*) "municipality" includes a metropolitan or regional municipality but does not include an area municipality thereof;

(*g*) "operator" means a person or corporation that owns or provides an ambulance service and "operate" has a corresponding meaning;

(*h*) "regulations" means the regulations made under this Act;

(*i*) "resident" means a person who was actually residing and physically present in a municipality for a period of three months within the preceding six months.

Administration of Act

2. The Commission is responsible for the administration and enforcement of this Act.

Municipal ambulance service

3.—(1) Subject to section 6, the council of a municipality may pass by-laws for acquiring, maintaining and operating an ambulance service.

Agreements

(2) The Commission and the council of a municipality or board of health of a health unit may enter into agreements in respect of the acquisition, maintenance and operation of an ambulance service.

Functions of Commission

4.—(1) It is the function of the Commission and it has power,

(*a*) to ensure the development throughout Ontario of a balanced and integrated system of ambulance services and of effectual ambulance communications facilities;

(*b*) to require hospitals to establish, maintain and operate ambulance services and intercommunication respecting ambulance services;

(*c*) to establish, maintain and operate, alone or in co-operation with others, ambulance services, intercommunication systems in connection with ambulance services and storage depots for the equipment and supply of ambulances;

(*d*) to establish and operate, alone or in co-operation with one or more organizations, institutes and centres for the training of personnel for ambulance services;

(*e*) to receive and disburse all moneys appropriated by the Legislature for the purposes of this Act and all moneys payable to the Commission under this Act;

(*f*) to determine the amounts to be paid by the Commission and to pay operators for ambulance services provided and to make retroactive adjustments for underpayment and overpayment for such services according to the cost thereof;

(*g*) to establish regions and districts for the purposes of ambulance services and the communications facilities therefor.

Application of R.S.O. 1960, c. 349

(2) *The Regulations Act* does not apply to anything done by the Commission under subsection 1.

Commission to approve applications for incorporation

5. No application to incorporate a corporation whose objects include the operation of an ambulance service shall be proceeded with until it has first received the approval of the Commission.

Operator's licence

6. No person shall operate an ambulance service except under the authority of a licence issued by the Director and the Director may issue a licence upon such terms and subject to such conditions as are specified in the licence or the regulations.

Temporary licence

7. The Director may issue a temporary licence in accordance with the regulations to operate a specified conveyance as an ambulance for a definite period of time stated in the licence.

Grounds for refusal to issue

8. The Director may refuse to issue a licence,

(*a*) where the proposed operation would be in contravention of this Act or the regulations;

(*b*) where there is no public need for the ambulance service in the area where the applicant proposes to operate;

(*c*) where the applicant is not financially responsible; or

(*d*) where the granting of the licence would be against the public interest.

Grounds for revocation, etc.

9. The Director may revoke, suspend or refuse to renew a licence for any reason for which he may refuse to issue the licence if the licensee were an applicant or where the licensee has contravened this Act or the regulations or is in breach of a condition of his licence.

Notice of refusal to issue or revocation

10.—(1) Where the Director refuses to issue or renew or proposes to revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation and a notice stating the right to a hearing by the Commission, and the applicant or licensee may, by written notice given to the Director and the Commission within fifteen days after the receipt of the notice of refusal or proposed revocation, require a hearing by the Commission.

Hearing by Commission

(2) The Commission shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Contents of notice

(3) The notice of hearing shall contain,

(*a*) a statement of the time and place of the hearing which shall not be longer than thirty days after notice is given to the Commission under subsection 1;

(*b*) a statement of the statutory power under which the hearing is being held;

(*c*) a reference to the rules of procedure applicable to the hearing;

(*d*) a concise statement of the issues;

(*e*) a statement that, if a party who has been duly notified does not attend at the hearing, the Commission may proceed in his absence and he is not entitled to notice of any further proceedings.

Parties

11.—(1) The Director, the applicant or licensee and any other person specified by the Commission are parties to the hearing.

Failure to attend

(2) If a person who has been duly notified of a hearing does not attend, the Commission may proceed in his absence and he is not entitled to notice of any further proceedings.

Adjournment

12.—(1) A hearing may be adjourned from time to time by the Commission on reasonable grounds,

(*a*) on its own motion; or

(*b*) on the motion of any party to the hearing.

Subpoenas

(2) The Commission may command the attendance before it of any person as a witness.

Oaths

(3) The Commission may require any person,

(*a*) to give evidence on oath or by affirmation at a hearing; and

(*b*) to produce such documents and things as the Commission requires.

Idem

(4) The Commission may admit evidence not given under oath.

Offences

(5) Any person who, without lawful excuse,

(*a*) on being duly summoned as a witness before the Commission, makes default in attending; or

(*b*) being in attendance as a witness before the Commission, refuses to take an oath or affirmation legally required by the Commission to be taken, or to produce any document or thing in his power or control legally required by the Commission to be produced by him, or to answer any question to which the Commission may legally require an answer; or

(*c*) does any other thing that would, if the Commission had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforcement

(6) The Commission may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of party to counsel

13.—(1) Any party may be represented before the Commission by counsel or agent.

Right of witness to counsel

(2) Any witness may be represented before the Commission by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Rights of parties at hearing

(3) Any party who is present at a hearing before the Commission may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Evidence

14. Upon a review, the Commission shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by the Commission, forms the record.

Powers of Commission

15.—(1) The Commission may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Commission considers proper, and for this purpose the Commission may substitute its opinion for that of the Director.

Decision to be in writing

(2) The decision of the Commission, including the reasons therefor, shall be in writing.

Contents of reasons for decision

(3) The reasons for the final decision shall contain,

(*a*) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(*b*) any agreed findings of fact; and

(*c*) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of decision

(4) The Commission shall serve each party with a copy of its final decision, together with the reasons therefor and a notice stating the right to a review by the Minister under section 16.

Review by Minister

16.—(1) Upon the request of any party to the hearing before the Commission, made within fifteen days after being served with a decision under subsection 4 of section 15, the Minister shall review the record and the decision of the Commission and the reasons therefor, and the Minister may confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Minister considers proper, and the decision of the Minister is final on all matters except points of law.

Reasons

(2) The Minister shall give the reasons for his decision under subsection 1 to each of the parties to the hearing before the Commission within thirty days after he receives the request for the review.

Appeal on point of law

(3) Any person requesting a review under subsection 1 may appeal the Minister's decision on any point of law to a judge of the Court of Appeal.

Service of notices

17. Except where otherwise provided, any notice required by this Act to be given shall be served personally or, where personal service cannot be effected, service is sufficient if sent by registered mail addressed to the person to whom notice is to be given at his last known address.

Appointment of inspectors

18.—(1) The Commission may appoint inspectors for the purposes of this Act and the regulations and such appointment shall be in writing.

Powers of inspectors

(2) An inspector may enter the premises or conveyances of an operator at any time during daylight hours and may examine, extract information from and make copies of his books, accounts and records pertaining to the ambulance service and may inspect the conveyances, supplies and equipment for the purpose of determining their compliance with the regulations.

19. Where a licensee is a corporation, the licensee shall notify the Director within fifteen days of any change in the officers or directors of the corporation. Notice of change in corporate management

20. Every licence, except a temporary licence, expires one year after it is issued. Expiration of licences

21.—(1) Where a municipality is liable to a hospital for the payment of the charges for treatment of an indigent person or dependant of an indigent person under section 18 of *The Public Hospitals Act*, the municipality is also liable to the hospital for the indigent person's share of an ambulance service operator's fee, prescribed by the regulations, for transporting the indigent person or dependant to or from the hospital. Payment of ambulance services for indigents R.S.O. 1960, c. 322

(2) Where a municipality is not liable to a hospital for the payment of the charges for treatment of an indigent person or a dependant of an indigent person under section 18 of *The Public Hospitals Act*, the Commission is responsible for the indigent person's share of an ambulance service operator's fee, prescribed by the regulations, for transporting the indigent person or dependant to or from the hospital. Idem

22.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations, Regulations

(*a*) prescribing the standards of conveyances and equipment for ambulance services and of their maintenance and repair and requiring the approval of the Director for the acquisition of such conveyances and equipment as are specified in the regulations;

(*b*) governing the management, operation and use of ambulance services, including insurance against liability in connection with their operation;

(*c*) prescribing the records, books, audits and accounting system to be kept, made or followed by operators and the returns, reports and information to be submitted to the Director or the Commission;

(*d*) prescribing the qualifications for persons employed in ambulance services including their testing and examination, physical or otherwise;

(*e*) providing for the issuing of licences and prescribing terms and conditions of licences;

(*f*) requiring the payment of fees in connection with licences and applications therefor and prescribing the amounts thereof;

(g) prescribing the fees that may be charged by the operators of each class of ambulance service for each kind of service provided, the methods and times of payment of such fees to the operators and the proportion thereof that may be charged to the person transported in an ambulance.

Limited application

(2) The regulations may provide that any provision is limited in its application to any specified class of ambulance service, person or thing.

Penalty

23.—(1) Subject to subsection 2, any person who contravenes this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is $10,000 and not as provided therein.

Penalty

(3) Any person who prevents or obstructs or attempts to prevent or obstruct an inspector from entering premises or making an inspection authorized by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than $500.

Limitation

(4) No proceeding under this section shall be commenced more than one year after the time when the subject-matter of the proceeding arose.

Commission not vicariously liable

24. The Commission shall not be held to be vicariously liable for the acts or omissions of operators or their employees.

Limitation period

25. No action shall be brought against an operator or an employee of an operator for the recovery of damages occasioned by negligence in the provision of ambulance services after the expiration of one year from the time when the damages were sustained.

1966, c. 7, repealed

26. *The Ambulance Services Act, 1966* is repealed.

Commencement

27. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

28. This Act may be cited as *The Ambulance Act, 1968-69*.

CHAPTER 4

An Act respecting the Care and Provision of Animals for Research

Assented to December 17th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "animal" means a live, non-human vertebrate;

(*b*) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture and Food;

(*c*) "inspector" means an inspector appointed under this Act;

(*d*) "Minister" means the Minister of Agriculture and Food;

(*e*) "pound" means premises that are used for the detention, maintenance or disposal of dogs or cats that have been impounded pursuant to a by-law of a municipality, but does not include any premises, or part thereof, that are not used by any person or body of persons, including the Ontario Society for the Prevention of Cruelty to Animals or any society affiliated therewith, for the detention, maintenance or disposal of dogs or cats so impounded;

(*f*) "redemption period" means that period of time within which the owner of a dog or cat that has been impounded in a pound has the right to redeem it;

(*g*) "regulations" means the regulations made under this Act;

(*h*) "research" means the use of animals in connection with studies, investigation and teaching in any field of knowledge, and, without limiting the generality of the foregoing, includes the use of animals for the performance of tests, and diagnosis of disease and the production and testing of preparations intended

for

for use in the diagnosis, prevention and treatment of any disease or condition;

(*i*) "research facility" means premises on which animals are used in research and includes premises used for the collecting, assembling, or maintaining of animals in connection with a research facility, but does not include a farm on which pregnant mares are kept for the collection of urine;

(*j*) "Review Board" means the Licensing and Registration Review Board;

(*k*) "supply facility" means premises, other than a research facility, that are used for the breeding and rearing of animals pursuant to a contract between the operator thereof and the operator of a research facility;

R.S.O. 1960, c. 416

(*l*) "veterinarian" means a person registered under *The Veterinarians Act*.

Review Board established

2.—(1) A board to be known as the "Licensing and Registration Review Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom shall be members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 3, hold office during pleasure.

Appointment to Board

(2) The Lieutenant Governor in Council shall offer an appointment to the Review Board to a person who is a member in good standing of the Ontario Society for the Prevention of Cruelty to Animals or of an incorporated society affiliated therewith.

Term of office

(3) No member of the Review Board shall hold office for more than five consecutive years.

Chairman and vice-chairman

(4) The Lieutenant Governor in Council may appoint one of the members of the Review Board as chairman and another of the members as vice-chairman.

Quorum

(5) A majority of the members of the Review Board constitutes a quorum.

Remuneration

(6) The members of the Review Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Operator required to be licensed

3.—(1) No person shall commence or continue to be an operator of a supply facility without a licence as an operator of a supply facility from the Director unless he is exempt under this Act or the regulations.

(2) An operator of a supply facility is exempt from subsection 1 respecting cattle, fish, goats, horses, poultry, reptiles, sheep, swine or game animals or fur-bearing animals as defined in *The Game and Fish Act, 1961-62*, but in all other respects he is subject to the provisions of this Act and the regulations. Exception as to certain sales 1961-62, c. 48

(3) No person shall be granted a licence as an operator of a supply facility unless he, Requirements for licensing

(*a*) is experienced in the proper care and handling of animals; and

(*b*) possesses all pens, cages, compounds, vehicles, tools, implements, buildings and dietary materials necessary to properly care for and handle animals on his premises.

(4) A licence as an operator of a supply facility may be suspended or revoked where, Suspension or revocation of licence

(*a*) the operator has not properly maintained any of the facilities, equipment or materials referred to in clause *b* of subsection 3; or

(*b*) the operator or any person employed by him or associated with him in connection with his operation as an operator has failed to observe or carry out the provisions of,

(i) this Act or the regulations, or

(ii) any other Act relating to cruelty, maltreatment or neglect of animals.

4.—(1) Subject to subsection 1 of section 15, the Director shall issue a licence as an operator of a supply facility to an applicant therefor unless, in his opinion, the applicant does not comply with clauses *a* and *b* of subsection 3 of section 3. Issue of licence

(2) Where the Director is of the opinion that an applicant does not comply with clauses *a* and *b* of subsection 3 of section 3, he may refuse to issue the licence. Refusal of licence

(3) Where the Director is of the opinion, in the case of a licensee, that clause *a* or *b* of subsection 4 of section 3 applies, he may suspend or revoke the licence. Suspension or revocation of licence

(4) Where the Director refuses to issue or proposes to suspend or revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed suspension or revocation and a notice stating the right to a hearing by the Review Board, and the Where Director refuses to issue or proposes to suspend or revoke a licence

applicant

applicant or licensee may, by written notice given to the Director and the Review Board within fifteen days after receipt of the notice of refusal or proposed suspension or revocation, require a hearing by the Review Board.

Research facility required to be registered

5.—(1) No person shall commence or continue to operate a research facility unless the research facility is registered under this Act.

Requirements for registration

(2) No research facility shall be registered unless there are therein or adjacent thereto and in connection therewith all pens, cages, compounds, tools, implements, buildings and dietary materials necessary to properly care for and handle animals that are in the research facility.

Suspension or revocation of registration

(3) The registration of a research facility may be suspended or revoked where,

(*a*) any of the facilities, equipment or materials referred to in subsection 2 have not been properly maintained therein; or

(*b*) the operator or any person employed by him or associated with him in the operation of the research facility has failed to observe or carry out the provisions of,

(i) this Act or the regulations, or

(ii) any Act relating to cruelty, maltreatment or neglect of animals.

Registration

6.—(1) Subject to subsection 2 of section 15, the Director shall register a research facility in Ontario unless, in his opinion, it does not contain the facilities, equipment or materials referred to in subsection 2 of section 5.

Refusal of registration

(2) Where the Director is of the opinion that a research facility in respect of which an application for registration is made does not contain the facilities, equipment or materials referred to in subsection 2 of section 5, he may refuse to register the research facility.

Director may suspend or revoke registration

(3) Where the Director is of the opinion that clause *a* or *b* of subsection 3 of section 5 applies, he may suspend or revoke the registration of the research facility.

Where Director refuses to register or proposes to suspend or revoke registration

(4) Where the Director refuses to register or proposes to suspend or revoke the registration of a research facility he shall give notice thereof to the operator of the research facility, together with written reasons for his refusal or

proposed suspension or revocation and a notice stating the right to a hearing by the Review Board and the operator may, by written notice given to the Director and the Review Board within fifteen days after receipt of the notice of refusal or proposed suspension or revocation, require a hearing by the Review Board.

Hearing by Review Board

7.—(1) The chairman of the Review Board shall fix a time, date and place at which the Review Board will hear the matter and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Contents of notice

(2) The notice of hearing shall contain,

(*a*) a statement of the time and place of the hearing;

(*b*) a reference to the rules of procedure applicable to the hearing; and

(*c*) a statement that, if a party who has been duly notified does not attend at the hearing, the Review Board may proceed in his absence and he is not entitled to notice of any further proceedings.

Parties

8.—(1) The Director, the applicant or licensee and the operator of the research facility, as the case may be, and any other person specified by the Review Board are parties to the hearing.

Failure to attend

(2) If a person who has been duly notified of a hearing does not attend, the Review Board may proceed in his absence and he is not entitled to notice of any further proceedings.

Adjournment

9.—(1) A hearing may be adjourned from time to time by the Review Board on reasonable grounds,

(*a*) on its own motion; or

(*b*) on the motion of any party to the hearing.

Subpoena

(2) The Review Board may command the attendance before it of any person as a witness.

Oaths

(3) The Review Board may require any person,

(*a*) to give evidence on oath or affirmation at a hearing; and

(*b*) to produce such documents and things as the Review Board requires.

Idem

(4) The Review Board may admit evidence not given under oath.

Offences

(5) Any person who, without lawful excuse,

(*a*) on being duly summoned as a witness before the Review Board, makes default in attending; or

(*b*) being in attendance as a witness before the Review Board, refuses to take an oath or make an affirmation legally required by the Review Board to be taken or made, or to produce any document or thing in his power or control legally required by the Review Board to be produced by him, or to answer any question to which the Review Board may legally require an answer; or

(*c*) does any other thing that would, if the Review Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforcement

(6) The Review Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of party to counsel

10.—(1) Any party may be represented before the Review Board by counsel or agent.

Right of witness to counsel

(2) Any witness may be represented before the Review Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Exclusion of counsel

(3) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.

Rights of parties at hearing

11. At a hearing before the Review Board, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Hearings to be open to public; exceptions

12.—(1) All hearings shall be open to the public except where the Review Board finds that,

(*a*) public security may be involved; or

(*b*) intimate financial or personal circumstances of any person may be disclosed,

in

in which case the Review Board shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Review Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions. Idem

13.—(1) At a hearing before the Review Board, Evidence

(*a*) except where otherwise provided in this section, the common law and statutory rules of evidence apply;

(*b*) evidence not admissible under clause *a* may be admitted by the Review Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and

(*c*) the Review Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Review Board within a reasonable time after the matter in issue has been finally determined. Release of exhibits

14.—(1) The Review Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Review Board considers proper, and for this purpose the Review Board may substitute its opinion for that of the Director. Powers of Review Board

(2) A licence or registration that is suspended or revoked pursuant to a decision of the Review Board under subsection 1 shall, where an appeal is instituted under section 16, remain suspended or revoked until the appeal is determined. Licence or registration to remain suspended or revoked

(3) The Review Board shall serve each party with a notice of its decision, together with the reasons therefor in writing and a notice stating the right to an appeal under section 16, either personally or by registered mail addressed to the party at his last known address. Notice of decision and right to appeal

(4) The reasons for the decision shall contain, Contents of reasons for decision

(*a*) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(*b*) any agreed findings of fact; and

(*c*) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

When licence not to issue

15.—(1) The Director shall not issue a licence to any person who formerly held a licence as an operator of a supply facility and whose licence was revoked less than one year before the date of the application.

When research facility not to be registered

(2) The Director shall not register a research facility that was formerly registered and the registration of which was revoked less than one year before the date of the application.

Appeal to Court of Appeal

16.—(1) Any party to the hearing before the Review Board may appeal from the decision of the Review Board to the Court of Appeal and the practice and procedure as to appeal proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

Counsel

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.

Material on appeal

(3) The chairman of the Review Board shall certify to the Registrar of the Supreme Court,

(*a*) the notices referred to in subsection 4 of section 4 or subsection 4 of section 6, as the case may be, and in subsection 1 of section 7 and subsection 3 of section 14;

(*b*) the written reasons for the decision of the Review Board; and

(*c*) all written submissions to the Review Board and other material, including documentary evidence received by it in connection with the hearing.

Decision of court

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Review Board or direct the Director to do any such act the Director is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Review Board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

Idem

(5) The decision of the Court of Appeal is final.

Animals to be kept separate

17. Animals that are bred and reared in a supply facility shall, at all times, be maintained by the operator thereof in such manner that they are separate from any other animals owned by him.

18.—(1) No person shall purchase or otherwise acquire an animal from any person in Ontario for use in a research facility except from, Purchase or other acquisition of animals

(*a*) the operator of a registered research facility;

(*b*) the operator of a pound, under section 24;

(*c*) the operator of a supply facility who is,

(i) the holder of a licence as an operator of a supply facility, or

(ii) exempt under this Act or the regulations from the provisions of subsection 1 of section 3 in respect of the animal.

(2) No operator of a research facility shall sell or otherwise dispose of any dog or cat purchased or otherwise acquired under section 24 to any person other than the operator of a registered research facility in Ontario. Sale or other disposition of dog or cat

(3) Nothing in this section prevents, Exceptions

(*a*) the acquisition by a research facility of a dog or cat that has been donated to the research facility by the owner thereof;

(*b*) the return by the research facility of a dog or cat acquired under clause *c* of subsection 6 of section 24 to the person who was the owner thereof before it came into possession of the operator of the pound; or

(*c*) the acquisition by the operator of a supply facility of breeding stock from any person not referred to in subsection 1.

19. The operator of a registered research facility shall submit to the Director such reports respecting animals used in the research facility for research as may be prescribed in the regulations. Reports

20.—(1) Every animal used in a registered research facility in any experiment that is likely to result in pain to the animal shall be anaesthetized so as to prevent the animal from suffering unnecessary pain. Animals to be anaesthetized

(2) The operator of a research facility shall provide analgesics adequate to prevent an animal from suffering unnecessary pain during the period of its recovery from any procedure used in an experiment. Analgesics to be provided

Animal care committee

21.—(1) Every person or body of persons having control of a registered research facility or facilities shall establish in connection therewith an animal care committee, one of the members of which shall be a veterinarian.

Responsibility of committee

(2) Every animal care committee established under subsection 1 shall be responsible for co-ordinating and reviewing,

(*a*) the activities and procedures relating to the care of animals;

(*b*) the standards of care and facilities for animals;

(*c*) the training and qualifications of personnel that are engaged in the care of animals; and

(*d*) procedures for the prevention of unnecessary pain including the use of anaesthetics and analgesics,

in every research facility in connection with which the animal care committee is established, having regard to the requirements of this Act and the regulations.

Filing of research project proposal with animal care committee

(3) The operator of a research facility shall, prior to conducting any research project in which animals are to be used, file, or cause to be filed, with the animal care committee a research project proposal setting forth the nature of all procedures to be used in connection with such animals, the number and type of animals to be used and the anticipated pain level that any such animal is likely to experience.

Committee to make orders

(4) Where an animal care committee has reason to believe that there is, will be or has been an offence committed against section 20 in any research facility in connection with which it is established, the animal care committee shall order,

(*a*) that any research in connection with such offence be stopped or not proceeded with; and

(*b*) that where such research has caused, in any animal, severe pain or illness that cannot be alleviated, such animal be forthwith humanely destroyed.

Appointment of chief inspector and inspectors

22.—(1) The Minister shall appoint a chief inspector who is a veterinarian and such other inspectors as he deems necessary, and, notwithstanding any other Act, such inspectors have exclusive authority to initiate proceedings to enforce the provisions of this Act and the regulations.

Certificate of appointment

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Powers of inspectors

(3) Subject to subsections 4, 5, 6, 7 and 8, an inspector, for the purpose of carrying out his duties under this Act, may, upon production of a certificate of his appointment,

(*a*) enter any premises, car, truck or other conveyance in which he believes on reasonable and probable grounds there are animals that are used, or that are intended to be used, in research and inspect the premises, car, truck or other conveyance, any facilities or equipment therein and any animal therein;

(*b*) enter any pound and inspect the pound, any facilities or equipment therein and any animals therein; and

(*c*) demand the production or furnishing by the owner or custodian thereof of any books, records, documents or of extracts therefrom relating to animals that,

(i) are in a pound, or

(ii) he believes on reasonable and probable grounds are used or intended to be used in research.

Entry of dwellings R.S.O. 1960, c. 387

(4) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the owner or tenant unless,

(*a*) the occupant is a licensed operator of a supply facility; and

(*b*) he has reasonable grounds for believing that the occupant is maintaining in such part animals that are used or intended to be used in research.

When powers to be exercised

(5) An inspector shall exercise his powers under subsection 3 only between sunrise and sunset, but nothing in this section affects the issuance and execution of a warrant under section 14 of *The Summary Convictions Act*.

Production and photocopying of records, etc.

(6) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the

purpose

purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Certification of photocopy

(7) Where a book, record, document or extract has been photocopied under subsection 6, a photocopy purporting to be certified by the Minister, or a person thereunto authorized by the Minister, to be a copy made pursuant to subsection 6 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand to be in writing

(8) Where an inspector makes a demand under clause *c* of subsection 3, the demand shall be in writing and shall include a statement of the nature of the investigation and the general nature of the books, records, documents or extracts required.

1955, c. 58, not to apply

(9) *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* does not apply in respect of animals in the possession of the operator of a registered research facility or of a licensed operator of a supply facility.

Obstruction of inspector

23. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

Redemption period

24.—(1) The minimum redemption period shall be three days, excluding the day on which the dog or cat was impounded, or such longer period as the regulations prescribe and holidays shall not be included in calculating any redemption period.

Idem

(2) The council of a local municipality may, by by-law, fix a redemption period that is longer than the minimum redemption period prescribed by or under this Act and shall file a copy of any such by-law with the Director.

Repeal or amendment of by-law

(3) Except with the approval in writing of the Director, no by-law referred to in subsection 2 shall be repealed or amended.

Notification by operator

(4) Where the operator of a pound has impounded a dog or cat that has a tag, name plate or other means of identification, he shall,

(*a*) notify the nearest office of the Ontario Society for the Prevention of Cruelty to Animals or any society affiliated therewith, except where the pound is operated by such society or affiliated society; and

(*b*) take all reasonable steps to find the owner of the dog or cat and shall forthwith notify the owner, if found, that the dog or cat has been impounded.

Dog or cat not to be destroyed

(5) During the redemption period and subject to subsection 7, the operator of a pound shall not destroy or cause or permit to be destroyed any dog or cat that is in the pound but he may return the dog or cat to the person who owned it before it came into his possession, subject to the payment of such damages, fines and expenses as are required by law.

Idem

(6) After the redemption period has expired and subject to subsection 7, the operator of a pound shall not destroy or cause or permit to be destroyed any dog or cat that is in the pound but he may,

(*a*) return the dog or cat to the person who owned it before it came into the possession of the operator of the pound, subject to the payment of such damages, fines and expenses as are required by law;

(*b*) sell the dog or cat, dispose of it by gift or hold it in possession for sale or disposal by gift to a *bona fide* purchaser or donee,

(i) as a pet,

(ii) for use in hunting, or

(iii) for working purposes; or

(*c*) sell the dog or cat to the operator of a registered research facility in Ontario who has requested the operator of the pound to sell him a dog or cat, as the case may be.

Where dog or cat may be destroyed

(7) Notwithstanding subsection 5 or 6, the operator of a pound may destroy or cause or permit to be destroyed any dog or cat that has been impounded in the pound where,

(*a*) the person who owned the dog or cat before it came into the possession of the operator of the pound has requested in writing that the dog or cat be destroyed;

(*b*) an inspector or veterinarian has ordered that the dog or cat be destroyed pursuant to subsection 11;

(*c*) the dog or cat has been impounded in the pound for the redemption period and the operator of the pound has satisfied all requests referred to in clause *c* of subsection 6 from operators of research facilities; or

(*d*) during the redemption period, the dog or cat is in a pound and,

(i) is ill or injured and in his opinion is incapable of being so cured or healed as to live thereafter without suffering; and

(ii) he has satisfied all requests referred to in clause *c* of subsection 6 from operators of research facilities.

Sale price of dog or cat

(8) Where the operator of a pound sells a dog or cat to the operator of a research facility under subsection 6, the price of the dog or cat,

(*a*) where no maximum price has been prescribed in the regulations in respect of the dog or cat, shall not exceed a price that is reasonable having regard to all the circumstances; or

(*b*) shall not exceed the maximum price prescribed in the regulations in respect of the dog or cat.

Additional amount payable

(9) In addition to the price paid for a dog or cat under clause *b* of subsection 8, the operator of a pound may require the operator of a research facility to pay such amount as is prescribed in the regulations in respect of the care, treatment, food and accommodation of a dog or cat.

No payment to be made to operator of pound

(10) Where a dog or cat is sold or otherwise disposed of in a manner referred to in subsection 6, no person shall make any payment in respect of the dog or cat to the operator of the pound or any person employed therein but shall make such payment in the manner and to such other person as is prescribed in the regulations.

Order for destruction of dog or cat

(11) An inspector or veterinarian may order a dog or cat to be destroyed,

(*a*) where, during the redemption period, the dog or cat is in a pound and is ill or injured and, in the opinion of the inspector or veterinarian, is incapable of being so cured or healed as to live thereafter without suffering; or

(*b*) where the dog or cat,

(i) is in a pound, supply facility or research facility,

(ii) has not, where it is in a pound, been redeemed by its owner within the redemption period, and

(iii) is, in the opinion of the inspector or veterinarian, not suitable for use in research by reason of ill health, injury, malnutrition, excessive age or other infirmity.

Identification of dog or cat

(12) Where the operator of a pound has in his possession a dog or cat that is impounded pursuant to a by-law of a local municipality, he shall at all times identify the dog or cat in such manner as is prescribed in the regulations.

Exception as to certain animals

(13) This section does not apply to an animal that by reason of being suspected of being infected with any communicable disease is confined in a pound pursuant to *The Public Health Act* or the *Animal Contagious Diseases Act* (Canada). R.S.O. 1960, c. 321 R.S.C. 1952, c. 9

Offence

25.—(1) Every person who contravenes any of the provisions of this Act, other than section 19, or the regulations, other than a regulation made under clause *h*, *j* or *l* of section 27, or of an order made under subsection 3 of section 21, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than $500 or to imprisonment for a term of not more than three months, or to both, and for a subsequent offence to a fine of not more than $1,000 or to imprisonment for a term of not more than six months, or to both.

Idem

(2) Every person who contravenes the provisions of section 19 or of a regulation made under clause *h*, *j* or *l* of section 27, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than $25 and for a subsequent offence to a fine of not more than $100.

Injunction proceedings

26. Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or against any Act relating to cruelty, maltreatment or neglect of animals has been or is being committed by any person who is the operator of a pound, research facility or supply facility or who is employed by or associated with any such person, the Supreme Court or a judge thereof may, upon the application of the Director, enjoin any such person from being engaged in any way in the operation of such pound, research facility or supply facility absolutely or for such period as seems just.

Regulations

27. The Lieutenant Governor in Council may make regulations,

(*a*) providing for the manner of issuing licences, prescribing their duration and the fees payable therefor;

(*b*) providing for the manner of registering research facilities in Ontario, prescribing the fees payable therefor, and prescribing terms and conditions for such registration;

(*c*) prescribing further procedures for hearings before the Review Board;

(*d*) prescribing the buildings, facilities and equipment to be provided by the operator of a research facility, supply facility or pound or any class thereof;

(*e*) prescribing standards for the health, welfare and care of animals, or any class thereof, in a research facility, supply facility or pound;

(*f*) prescribing facilities and equipment for the transportation of animals that are used or are intended to be used by a research facility;

(*g*) classifying research facilities, requiring the operators of any class of research facility to provide for the services of a veterinarian in connection with the care of animals in the research facility and prescribing the terms and conditions on which such services shall be provided in respect of any such class;

(*h*) prescribing the records to be made and kept by the operator of a research facility, supply facility or pound, or any class thereof, and prescribing the places at which such records shall be kept;

(*i*) prescribing reports to be submitted to the Director by the operator of a research facility;

(*j*) prescribing methods for the identification of animals;

(*k*) subject to subsection 1 of section 24, prescribing the redemption period in respect of dogs or cats or any class thereof;

(*l*) determining from time to time the maximum prices that shall be paid for dogs or cats or any class thereof by the operators of research facilities, to the operators of pounds, determining different prices for different parts of Ontario and prescribing the manner in which and the person to whom such prices shall be paid;

(*m*) prescribing for the purposes of subsection 9 of section 24, an amount or amounts that the operator of a pound may require the operator of a research facility to pay respecting the care, treatment, food and accommodation of a dog or cat;

(*n*) providing for the exemption from this Act or the regulations, or any provision thereof, of any person or class of persons, or any animal or class of animals and prescribing the terms and conditions therefor;

(*o*) prescribing forms and providing for their use;

(*p*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commencement

28. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

29. This Act may be cited as *The Animals for Research Act, 1968-69*.

CHAPTER 5

An Act to amend The Apprenticeship and Tradesmen's Qualification Act, 1964

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 10 of *The Apprenticeship and Tradesmen's Qualification Act, 1964* is repealed and the following substituted therefor: 1964, c. 3, s. 10, subs. 2, re-enacted

(2) No person, other than an apprentice or a person of a class that is exempt from this section or a person referred to in subsection 3, shall work or be employed in a certified trade unless he holds a subsisting certificate of qualification in the certified trade. Persons who may work in a certified trade

(2*a*) No person shall employ any person, other than an apprentice or a person of a class that is exempt from this section or a person referred to in subsection 3, in a certified trade unless the person employed holds a subsisting certificate of qualification in the certified trade. Persons who may be employed in a certified trade

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Apprenticeship and Tradesmen's Qualification Amendment Act, 1968-69.* Short title

CHAPTER 6

The Assessment Act, 1968-69

Assented to December 17th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "assessment commissioner" means an assessment commissioner for a region as established by the regulations made under this Act;

(*b*) "assessor" means the assessment commissioner and anyone acting under his authority;

(*c*) "collector's roll" means a roll prepared in accordance with *The Municipal Act*; R.S.O. 1960, c. 249

(*d*) "corporation assessment" means the assessment of land liable to taxation, of which a corporation is the owner or tenant, and business assessment of a corporation, but does not include the assessment of land that is assessed to a person other than a corporation as a tenant;

(*e*) "county" includes a district;

(*f*) "county council" includes a provisional county council;

(*g*) "county court" includes a district court;

(*h*) "county judge" includes a district judge;

(*i*) "Department" means the Department of Municipal Affairs;

(*j*) "insurance company" means any company or fraternal society or other corporation transacting

within

R.S.O. 1960, c. 190

within Ontario any class of insurance to which *The Insurance Act* applies or is made to apply by any general or special Act of the Legislature;

(*k*) "land", "real property" and "real estate" include,

(i) land covered with water,

(ii) all trees and underwood growing upon land,

(iii) all mines, minerals, gas, oil, salt quarries and fossils in and under land,

(iv) all buildings, or any part of any building, and all structures, machinery and fixtures erected or placed upon, in, over, under or affixed to land,

(v) all structures and fixtures erected or placed upon, in, over, under or affixed to a highway, lane or other public communication or water, but not the rolling stock of a transportation system;

R.S.O. 1960, c. 222

(*l*) "loan company" means a loan corporation within the meaning of *The Loan and Trust Corporations Act*;

(*m*) "locality" means a public school section, a separate school zone or a high school district that comprises or includes territory without municipal organization and includes the board of any of them;

(*n*) "Minister" means the Minister of Municipal Affairs;

(*o*) "municipality" means a city, town, village or township;

(*p*) "person" includes a corporation, partnership, bridge authority, agent or trustee, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

(*q*) "telephone company" includes a person or association of persons owning, controlling or operating a telephone system or line, but not a municipal corporation;

(*r*) "tenant" includes an occupant and the person in possession other than the owner;

(*s*) "trust company" means a trust company within the meaning of *The Loan and Trust Corporations Act*;

(*t*) "voters' list" means the municipal voters' list prepared under *The Voters' Lists Act*. R.S.O. 1960, c. 23, s. 1; 1962-63, c. 7, s. 1, *amended*. R.S.O. 1960, c. 420

Regulations

2.—(1) The Minister may make regulations,

(*a*) establishing assessment areas and assessment regions for assessment purposes;

(*b*) prescribing forms for the purposes of this Act;

(*c*) prescribing standards and procedures to be used for the purpose of equalizing assessments under this Act;

(*d*) prescribing the information and returns to be furnished by an assessment commissioner to any county or to any metropolitan or regional municipality.

Assessment commissioners, appointment

(2) The Minister may appoint assessment commissioners for assessment regions.

Notice of appointment

(3) The appointment of an assessment commissioner shall be effective for the purposes of this Act upon the publication of a notice of his appointment in *The Ontario Gazette*.

Deemed assessor

(4) An assessment commissioner appointed under subsection 1 shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner of and for every municipality and locality in the assessment region for which he is appointed. *New*.

Property assessable and taxable, exemptions

3. All real property in Ontario is liable to assessment and taxation, subject to the following exemptions from taxation:

Lands of Canada, etc.

1. Lands or property belonging to Canada or any Province.

Indian lands

2. Property held in trust for a band or body of Indians, but not if occupied by a person who is not a member of a band or body of Indians.

Churches, etc.

3. Every place of worship and land used in connection therewith and every churchyard, cemetery or burying ground.

When exemption not to apply

(*a*) Where land is acquired for the purpose of a cemetery or burying ground but is not immediately required for such purpose, it is not entitled to exemption from taxation under this paragraph until it has been enclosed and actually and *bona fide* required, used and occupied for the interment of the dead.

Idem

(*b*) The exemption from taxation under this paragraph does not apply to lands rented or leased to a church

or

or religious organization by any person other than another church or religious organization. R.S.O. 1960, c. 23, s. 4, pars. 1-3.

Public educational institutions

4. The buildings and grounds of and attached to or otherwise *bona fide* used in connection with and for the purposes of a university, high school, public or separate school, whether vested in a trustee or otherwise, so long as such buildings and grounds are actually used and occupied by such institution, but not if otherwise occupied. R.S.O. 1960, c. 23, s. 4, par. 4.

When exemption not to apply

(*a*) The exemption from taxation under this paragraph does not apply to lands rented or leased to an educational institution mentioned in this paragraph by any person other than another such institution or a person already exempt from taxation in respect of the property rented or leased. 1960-61, c. 4, s. 1 (1); 1966, c. 10, s. 1.

Philanthropic or religious seminaries

5. The buildings and grounds of and attached to or otherwise *bona fide* used in connection with and for the purposes of a seminary of learning maintained for philanthropic or religious purposes, the whole profits from which are devoted or applied to such purposes, but such grounds and buildings are exempt only while actually used and occupied by such seminary.

Educational seminaries

6. The buildings and grounds not exceeding in the whole fifty acres of and attached to or otherwise *bona fide* used in connection with and for the purposes of a seminary of learning maintained for educational purposes, the whole profits from which are devoted or applied to such purposes, but such grounds and buildings are exempt only while actually used and occupied by such seminary, and such exemption does not extend to include any part of the lands of such a seminary that are used for farming or agricultural pursuits and are worked on shares with any other person, or if the annual or other crops, or any part thereof, from such lands are sold. R.S.O. 1960. c. 23, s. 4, pars. 5, 6.

When exemption not to apply

(*a*) The exemption from taxation under this paragraph does not apply to lands rented or leased to a seminary of learning mentioned in this paragraph by any person other than another such seminary of learning or a person already exempt from taxation in respect of the property rented or leased. 1962-63, c. 7, s. 2.

Public hospitals R.S.O. 1960, c. 322

7. Every public hospital receiving aid under *The Public Hospitals Act* with the land attached thereto, but not land of a public hospital when occupied by any person as tenant or lessee.

(*a*) Land owned and used by such a public hospital for farming purposes shall be deemed attached to the hospital within the meaning of this paragraph, notwithstanding that it is separated therefrom by a highway.

Highways, etc.

8. Every highway, lane or other public communication and every public square, but not when occupied by a tenant or lessee other than a public commission. R.S.O. 1960, c. 23, s. 4, pars. 7, 8.

Municipal property

9. Subject to section 35, the property belonging to any county or municipality or vested in or controlled by any public commission or local board as defined by *The Department of Municipal Affairs Act*, wherever situate and whether occupied for the purposes thereof or unoccupied but not when occupied by a tenant or lessee who is liable to taxation, except property of a harbour commission used for the parking of vehicles for which a fee is charged. 1965, c. 6, s. 1, *amended*.

R.S.O. 1960, c. 98

Boy Scouts and Girl Guides

10. Property owned, occupied and used solely and only by The Boy Scouts Association or The Canadian Girl Guides Association or by any provincial or local association or other local group in Ontario that is a member of either Association or is otherwise chartered or officially recognized by it.

Industrial farms, etc.

11. Every industrial farm, house of industry, house of refuge, institution for the reformation of offenders or for the care of children, boys' and girls' home, or other similar institution conducted on philanthropic principles and not for the purpose of profit or gain, but only when the land is owned by the institution and occupied and used for the purposes of the institution.

Charitable institutions

12. Land of an incorporated charitable institution organized for the relief of the poor, The Canadian Red Cross Society, St. John Ambulance Association, or any similar incorporated institution conducted on philanthropic principles and not for the purpose of profit or gain, that is supported, in part at least, by public funds, but only when the land is owned by the institution and occupied and used for the purposes of the institution.

Children's aid societies

13. The property of a children's aid society discharging the functions of a children's aid society under *The Child Welfare Act, 1965*, whether held in the name of the society or in the name of a trustee or otherwise, if used exclusively for the purposes of and in connection with the society.

1965, c. 14

Scientific or literary institutions, etc.

14. The property of every public library and other public institution, literary or scientific, and of every agricultural or horticultural society or association, to the extent of the actual

occupation

occupation of such property for the purposes of the institution or society.

R.S.O. 1960, c. 11

(*a*) For the purposes of this paragraph, an agricultural society under *The Agricultural Societies Act* shall be deemed to be in actual occupation where the property of the society is rented and the rent is applied solely for the purposes of the society.

Battle sites

15. Land acquired by a society or association by reason of its being the site of any battle fought in any war, and maintained, preserved and kept open to the public in order to promote the spirit of patriotism.

Exhibition buildings of companies

16. The land of every company formed for the erection of exhibition buildings to the extent to which the council of the municipality in which such land is situate consents that it shall be exempt.

Machinery

17. All machinery and equipment used for manufacturing or farming purposes or for the purposes of a concentrator or smelter of ore or metals, including the foundations on which they rest, but not including machinery and equipment to the extent that it is used, intended or required for lighting, heating or other building purposes or machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service.

Forestry purposes

18. One acre used for forestry purposes for every ten acres of the farm in one municipality under a single ownership but not more than twenty acres in all, and, where the total acreage consists of more than one separately assessed parcel, the assessor shall treat all such parcels as one parcel for the purpose of determining the exemptions under this paragraph and shall apportion the exemption to each parcel in the ratio of the acreage of each parcel used or partly used for forestry purposes to the total acreage of all parcels used or partly used for forestry purposes. R.S.O. 1960, c. 23, s. 4, pars. 10-18.

Mineral land and minerals

19. The buildings, plant and machinery in, on or under mineral land, and used mainly for obtaining minerals from the ground, and the minerals in, on, or under such land other

than diatomaceous earth, limestone, marl, peat, clay, building stone or stone for ornamental or decorative purposes or non-auriferous sand or gravel, but not including a concentrator or smelter of ore or metals. *New.*

Exemption of religious institutions

4. The council of any local municipality may pass by-laws exempting from taxes, other than school taxes and local improvement rates, the land of any religious institution named in the by-law, provided that the land is owned by the institution and occupied and used solely for recreational purposes, on such conditions as may be set out in the by-law. R.S.O. 1960, c. 23, s. 5.

Where land ceases to be used for forestry purposes

5. The council of a town, village or township may by by-law provide that, if any part of a farm exempted under paragraph 18 of section 3 ceases to be used for forestry purposes so as not to come within the purview of such paragraph, the assessor shall so report to the clerk and that the clerk shall forthwith amend the collector's roll by inserting therein,

(*a*) the rates or taxes with which the farm would have been chargeable for the preceding three years if such part of the farm had not been exempt; or

(*b*) such portion of such rates or taxes as the by-law may provide or the council may by resolution deem proper,

and such rates or taxes or portion thereof are collectable in accordance with such amended roll. R.S.O. 1960, c. 23, s. 6.

Exemption of Navy League

6. The council of any local municipality may pass by-laws exempting from taxes, other than school taxes and local improvement rates, the land belonging to and vested in the Navy League of Canada under such conditions as may be set out in the by-law, so long as the land is occupied and used solely for the purposes of carrying out the activities of the Ontario division of the Navy League. R.S.O. 1960, c. 23, s. 7.

Business assessment

7.—(1) Irrespective of any assessment of land under this Act, every person occupying or using land for the purpose of, or in connection with, any business mentioned or described in this section, shall be assessed for a sum to be called "business assessment" to be computed by reference to the assessed value of the land so occupied or used by him as follows:

(*a*) Every person carrying on the business of a distiller for a sum equal to 140 per cent of the assessed value of the land occupied or used by him for such business

exclusive

exclusive of any portion of such land occupied or used by him for the distilling of alcohol solely for industrial purposes and for a sum equal to 75 per cent of the assessed value as to such last-mentioned portion.

(*b*) Every person carrying on the business of a wholesale merchant, brewer, insurance company, loan company, trust company, express company carrying on business on or in connection with a railway or steamboats or other vessels, land company, loaning land corporation, bank, banker or any other financial business for a sum equal to 75 per cent of the assessed value.

(*c*) Every person carrying on the business of selling or distributing goods, wares and merchandise through a chain of more than five retail stores or shops in Ontario, directly or indirectly owned, controlled or operated by him, for a sum equal to 75 per cent of the assessed value of the land occupied or used by him in such business for a distribution premises, storage or warehouse for such goods, wares and merchandise, or for an office used in connection with such business.

(*d*) Every person carrying on the business of a manufacturer, including the business of a flour miller, maltster and a concentrator or smelter of ore or metals, for a sum equal to 60 per cent of the assessed value, provided that a manufacturer is not liable to business assessment as a wholesale merchant by reason of his carrying on the business of selling by wholesale the goods of his own manufacture on such land, and provided further that when a person occupies or uses land for the purpose of or in connection with the business of a concentrator or smelter of ore or metals that is also used for obtaining minerals from the ground, the assessor shall determine the land that is reasonably necessary for the purposes of such concentrator or smelter of ore or metals.

(*e*) Every person carrying on the business of selling goods or services through a chain of more than five stores, shops or outlets in Ontario, except a hotel or motel, for a sum equal to,

(i) 40 per cent of the assessed value in the year 1970,

(ii) 45 per cent of the assessed value in the year 1971,

(iii) 50 per cent of the assessed value in the year 1972 and thereafter.

(*f*) Every person,

(i) practising or carrying on the business of a barrister, solicitor, notary public, conveyancer, physician, surgeon, oculist, optometrist, ophthalmic dispenser, physiotherapist, podiatrist, aurist, dentist or veterinarian, or a civil, mining, consulting, mechanical or electrical engineer, surveyor, contractor, builder, advertising agent, private investigator, employment agent, accountant, assignee, auditor, osteopath, chiropractor, massagist, architect and every person carrying on a financial or commercial business or any other business as agent, or

(ii) carrying on the business of operating a radio or television broadcasting station, or

(iii) carrying on business as the publisher of a newspaper, or a photographer, lithographer, printer or publisher, or

(iv) carrying on the business of a department store,

for a sum equal to 50 per cent of the assessed value.

(*g*) Every person carrying on the business of,

(i) a telegraph or telephone company, or

(ii) a transportation system, other than one for the transportation or transmission or distribution by pipe line of crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or liquefied petroleum gas or any mixture or combination of the foregoing, or

(iii) the transmission of water or of steam, heat or electricity for the purposes of light, heat or power,

for a sum equal to 30 per cent of the assessed value of the land, except a highway, lane or other public communication or public place or water or private right of way, occupied or used by such person, exclusive of the value of any machinery, plant or appliances erected or placed upon, in, over, under or affixed to such land.

(*h*) Every person carrying on the business of transportation, transmitting or distributing by pipe line crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or liquefied petroleum gas or any mixture or combination of the foregoing, for a sum equal to 30 per cent of the assessed value of the land excluding any pipe line liable to assessment under section 32 or 33.

(*i*) Every person carrying on the business of a car park, for a sum equal to 25 per cent of the assessed value.

(*j*) Every person carrying on any business not specially mentioned before in this section, for a sum equal to 30 per cent of the assessed value. R.S.O. 1960, c. 23, s. 9 (1); 1968, c. 6, s. 1, *amended*.

Employee parking lots

(2) Irrespective of any assessment of land or of any business assessment under this Act, every person who is liable to be assessed for business assessment and who provides without charge parking facilities for the vehicles of his employees shall be assessed for a sum "to be called business assessment" equal to 25 per cent of the assessed value of the land so used for employee parking that is reasonably necessary for such purpose as determined by the assessor, but such person shall not otherwise be assessable for business assessment in respect of such land. 1966, c. 10, s. 3, *amended*.

Shared parking lots

(3) Irrespective of any assessment of land or of any business assessment under this Act, every person carrying on business in one of a group of premises in which business is carried on where land for parking is made available by the owner of the land, or by anyone claiming under him, without charge to customers of or persons having business in one of such premises in such group in common with the customers of or persons having business with the occupants of other such premises in the group shall be assessed for a sum "to be called business assessment" equal to 25 per cent of the assessed value of that portion of the land made available for parking which is in the proportion to the whole of the land so made available that the assessed value of his premises is to the total assessed value of the premises occupied by the group exclusive of the land made available for parking. *New*.

Tax not a charge on land

(4) Every person assessed for business assessment is liable for the payment of tax thereon and the tax assessed does not constitute a charge upon the land. R.S.O. 1960, c. 23, s. 9 (13).

Transportation of gas, etc., by pipe line by manufacturer

(5) Where a manufacturer also carries on the business of a transportation system for the transportation or transmission

or distribution by pipe line of crude oil or liquid or gaseous hydrocarbons or any product or by-product thereof or natural or manufactured gas or any mixture or combination of the foregoing, he shall not be assessed for business assessment as a manufacturer in respect of such transportation system. R.S.O. 1960, c. 23, s. 9 (3).

Effect of general words

(6) Wherever in this section general words are used for the purpose of including any business that is not expressly mentioned, such general words shall be construed as including any business not expressly mentioned, whether or not such business is of the same kind as or of a different kind from those expressly mentioned. R.S.O. 1960, c. 23, s. 9 (14).

Persons carrying on more than one class of business

(7) Subject to subsection 8, no person shall be assessed in respect of the same premises under more than one of the clauses of subsection 1, and, where any person carries on more than one of the kinds of business mentioned in that subsection on the same premises, he shall be assessed by reference to the assessed value of the whole of the premises under that one of those clauses in which is included the kind of business that is the chief or preponderating business of those so carried on by him in or upon such premises.

Retailing by manufacturer

(8) Where a manufacturer also carries on the business of a retail merchant, he shall be assessed as a retail merchant in respect of any premises or of any portion of any premises that are occupied and used by him solely and only for the purpose of such business. R.S.O. 1960, c. 23, s. 9 (5, 6).

Where land used partly for business and for residence

(9) Where any person mentioned in subsection 1 occupies or uses land partly for the purpose of his business and partly for the purpose of a residence, he shall be assessed under this section only in respect of the part occupied mainly for the purpose of his business. R.S.O. 1960, c. 23, s. 9 (9), *amended*.

Farmers, etc.

(10) No person occupying or using land as a rooming house, apartment house, farm, market garden, nursery or apiary or for the raising of animals for the production of fur is liable to business assessment in respect of such land.

(*a*) In this subsection, "rooming house" means any house or building or portion thereof in which the proprietor supplies lodging for hire or gain, to other persons with or without meals in rooms furnished by the proprietor with necessary furnishings, and does not include an hotel, as defined in *The Hotel Registration of Guests Act*. R.S.O. 1960, c. 23, s. 9 (11), *amended*.

R.S.O. 1960, c. 180

Minimum assessment

(11) Where the amount of the assessment of any person assessable under this section would under the foregoing provisions be less than $100 he shall be assessed for the sum of $100. R.S.O. 1960, c. 23, s. 9 (8), *amended*.

Assessment of telephone companies on gross receipts in cities, towns, villages and police villages

8.—(1) Every telephone company carrying on business in a city, town, village or police village, in addition to any other assessment to which it may be liable under this Act, shall be assessed for 100 per cent of the amount of the gross receipts from all telephone and other equipment belonging to the company located within the municipal limits of the city, town, village or police village, for the year ending on the 31st day of December next preceding the assessment.

Assessment of receipts from long distance business

(2) To remove doubts, it is hereby declared that the receipts of a telephone company from long distance business or calls in a municipality or police village are and always have been liable to assessment under subsection 1 in such municipality or police village.

Assessment of telephone companies on mileage in townships

(3) Subject to subsection 4, every telephone company shall be assessed in every township for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including such poles, structures and conduits, and in use by the company on the 31st day of December next preceding the assessment, at the rate of $135 per mile and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use by the company on the 31st day of December next preceding the assessment, at the rate of $7.50 per mile.

Assessment of local telephone companies

(4) Where a telephone company does not operate generally throughout Ontario and is not authorized by statute to carry on business throughout Ontario, it shall be assessed in every township for one circuit used for carrying messages and placed or strung on poles or other structures or in conduits, including such poles, structures and conduits, and in use by the company on the 31st day of December next preceding the assessment, at the rate of $50 per mile and for each additional circuit placed or strung on such poles or other structures or in such conduits, whether or not in use by the company on the 31st day of December next preceding the assessment, at the rate of $7.50 per mile.

Computation of length of circuits

(5) In computing the length of telephone circuits placed or strung on poles or other structures or in conduits in townships,

(*a*) the portion of a circuit within a police village shall not be included;

(*b*) a circuit that does not exceed twenty-five miles in length that is not used as a connecting circuit between two or more central exchange switchboards shall not be included;

(*c*) every circuit regardless of its length that connects two or more central exchange switchboards shall be included.

Telephone company assessable for land built on in townships

(6) In a township, the land of a telephone company on which any building is erected or placed, and the building itself, are liable to assessment.

Assessment of telegraph companies on gross receipts in cities, towns, villages and police villages

(7) Every telegraph company carrying on business in a city, town, village or police village, in addition to any other assessment to which it may be liable under this Act, shall be assessed for 100 per cent of the amount of the gross receipts belonging to the company in such city, town, village or police village from the business of the company for the year ending on the 31st day of December next preceding the assessment.

Assessment of mileage in townships

(8) In every township, there shall be assessed against every such telegraph company a sum equal to $40 for every mile of the length of one wire placed or strung on the poles or other structures or in conduits operated or used by the company in the township and in use on the 31st day of December next preceding the assessment and a sum equal to $5 per mile for each additional wire so placed or strung on the 31st day of December next preceding the assessment.

Telegraph company assessable for land built on in township

(9) In a township, the land of a telegraph company on which any building is erected or placed, and the building itself, are liable to assessment.

Telegraph and telephone plant of railways

(10) The telephone and telegraph plant, poles and wires of a steam railway company that are used exclusively in the running of trains or for any other purposes of a steam railway and not for commercial purposes are exempt from assessment, but each of such wires when used for commercial purposes shall be assessed at $5 per mile in the manner hereinbefore mentioned.

Wires in police villages and branch and loop lines excluded

(11) In the computation of the length of telegraph wires and additional wires for assessment in a township, the wires placed or strung within the area of any police village and the wires of all branch and loop lines that do not exceed twenty-five miles in length shall not be included.

Measurement of additional wires

(12) In the measurement of such additional wires or circuits, the length of every telegraph wire and every telephone circuit placed or strung in cables or other combinations, and used or capable of being used as an independent means of conveying messages, shall be computed.

Assessment exemptions of companies

(13) Every company assessed as provided in this section is exempt from assessment in any municipality in respect of all machinery, plant and appliances wherever situate, and is exempt from assessment in cities, towns, villages and police villages in respect of all structures placed on, over, under or affixed to any highway, lane or other public communication, public place or water.

Poles and wires on township boundaries

(14) Where the poles, structures, conduits or wires of a telegraph or telephone company are placed on a boundary line between two townships or so near thereto that they are in some places on one side and in other places on the other side of the boundary line or are placed on a road that lies between two townships, although it may deviate so as in some places to be wholly or partly within either of them, the company shall be assessed in each township for one-half of the amount assessable against it under subsection 3, 4, 8 or 10, as the case may be, in both the townships taken together.

Real property assessment

(15) Notwithstanding subsection 13, the assessment of a telephone company or telegraph company under this section shall be deemed to be real property assessment, and the taxes payable by any such company are a lien upon all the lands of the company in the municipality. R.S.O. 1960, c. 23, s. 10, *amended*.

Returns by telegraph and telephone companies

9.—(1) Every telegraph and telephone company doing business in Ontario shall, on or before the 1st day of March in each year, transmit to the assessment commissioner of each municipality in which the company does business, a statement in writing of the amount of the gross receipts of the company in such municipality for the year ending on the 31st day of December next preceding the assessment.

Idem

(2) Every telegraph and telephone company doing business in Ontario shall, on or before the 1st day of March in each year, transmit to the assessment commissioner of every township in which the company does business, a statement in writing showing,

(*a*) the length in miles of one wire or of one circuit, as the case may be, placed or strung on poles or other structures or in conduits (including half on the boundaries of adjoining townships) in use by the

company

company in such township on the 31st day of December next preceding the assessment, and the length in miles of additional wires or circuits, as the case may be, placed or strung on such poles or other structures or in such conduits (including half on the boundaries of adjoining townships) whether or not in use by the company in such township on the 31st day of December next preceding the assessment; and

(*b*) the length in miles of one exempt wire or of one exempt circuit, as the case may be, placed or strung on poles or other structures or in conduits (including half on the boundaries of adjoining townships) in use by the company in such township on the 31st day of December next preceding the assessment, and the length in miles of additional exempt wires or circuits, as the case may be, placed or strung on such poles or other structures or in such conduits (including half on the boundaries of adjoining townships) whether or not in use by the company in such township on the 31st day of December next preceding the assessment. R.S.O. 1960, c. 23, s. 11, *amended*.

Power of township to assess on basis of gross receipts

10.—(1) Where in a township the density of population is not less than 150 of population to 500 acres, the council thereof may, subject to the approval of the Department, by by-law define such areas and declare them to be police villages for the purposes of section 8, and each year thereafter so long as the by-law remains in force every telephone and telegraph company carrying on business in the areas shall be assessed therein on a gross receipts basis in the manner provided in section 8, except that in such case the company shall be assessed for 100 per cent of the amount of the gross receipts from all equipment belonging to the company located within the areas.

Map of areas to be attached

(2) Every by-law passed under subsection 1 shall have attached thereto a map showing clearly the boundaries of the areas. R.S.O. 1960, c. 23, s. 12 (1, 2).

First statement of company based on gross receipts

(3) Where a by-law is passed under subsection 1, every telephone and telegraph company required under section 9 to transmit a statement to the assessment commissioner shall keep records of the gross receipts earned by the company on and after the 1st day of January in the year following that in which the by-law was approved by the Department, and the statement required to be transmitted to the assessment commissioner by the 1st day of March in the second year

following that in which the by-law was approved shall be based on the gross receipts earned by the company in the year following that in which the by-law was approved. R.S.O. 1960, c. 23, s. 12 (3), *amended*.

Duty of clerk

(4) Upon the passing, amending or repealing of a by-law under subsection 1, the clerk shall forthwith transmit a copy thereof to the assessment commissioner and to every telephone and telegraph company carrying on business in the areas defined in the by-law. R.S.O. 1960, c. 23, s. 12 (4), *amended*.

Limit of taxation of gross receipts of a telephone company

11. Notwithstanding the other provisions of this Act or any other general or special Act, the total amount of the taxes and rates levied and imposed in any year in respect of the gross receipts of a telephone company in a municipality shall not exceed an amount equal to 5 per cent of the total of the gross receipts of the company from its business in the municipality for the year ending on the 31st day of December next preceding the assessment. R.S.O. 1960, c. 23, s. 13; 1962-63, c. 7, s. 3.

Assessment of easements

12.—(1) Where an easement is appurtenant to any land, it shall be assessed in connection with and as part of the land at the added value it gives to the land as the dominant tenement, and the assessment of the land that, as the servient tenement, is subject to the easement shall be reduced accordingly.

Lanes used as right of way

(2) Where land is laid out and used as a lane and is subject to such rights of way as prevent any beneficial use of it by the owner, it shall not be assessed separately, but its value shall be apportioned among the various parcels to which the right of way is appurtenant and shall be included in the assessment of such parcels and in such cases the assessor shall return the land so used as "Lane not assessed". R.S.O. 1960, c. 23, s. 14 (1, 2).

Restrictive covenant

(3) A restrictive covenant running with the land shall be deemed to be an easement within the meaning of this section. R.S.O. 1960, c. 23, s. 14 (4).

Right of access

13.—(1) An assessor, and any assistant of and designated by an assessor, upon producing proper identification, shall at all reasonable times and upon reasonable request be given free access to all land and to all parts of every building, structure, machinery and fixture erected or placed upon, in, over, under or affixed to the land, for the purpose of making a proper assessment thereof or of making a proper business assessment in respect thereof. R.S.O. 1960, c. 23, s. 16 (1); 1966, c. 10, s. 4, *amended*.

Information

(2) Every adult person present on land when any person referred to in subsection 1 visits the land in the performance of his duties shall upon request give to such person all the information in his knowledge that will assist such person to make a proper assessment of the land and every building, structure, machinery and fixture erected or placed upon, in, over, under or affixed to the land, to make a proper business assessment in respect thereof, and to obtain the information he requires with respect to any person whose name he is required to enter on the assessment roll or in the census register. R.S.O. 1960, c. 23, s. 16 (2).

Where assessor unable to obtain information by visit

14.—(1) Where an assessor has visited land for the purpose of making a proper assessment thereof or a proper business assessment in respect thereof or census and has been unable to obtain all information necessary for such purpose, he may deliver or cause to be delivered or mailed to the address of any person, whether resident in the municipality or not, who is or may be assessed in respect of the land, a questionnaire or questionnaires in writing demanding information as prescribed by the regulations. R.S.O. 1960, c. 23, s. 17 (1), *amended.*

Return of questionnaire

(2) Every person to whom any questionnaire is delivered or mailed shall, within ten days after the delivery or mailing, enter thereon in the proper places all the information required thereby that is within his knowledge and sign and deliver or mail the questionnaires to the assessment commissioner or assessor whose name and address appear on the questionnaire. R.S.O. 1960, c. 23, s. 17 (2), *amended.*

Proviso

(3) Except as provided in this or any other section of this Act, no person may be required by an assessment commissioner, assessor or other person to furnish information with respect to the assessment of land, business or persons or with respect to the census. R.S.O. 1960, c. 23, s. 17 (3).

Assessor not bound by returns

15. The assessor is not bound by any statement delivered under section 13 or 14 nor does it excuse him from making due inquiry to ascertain its correctness, and, notwithstanding any such statement, the assessor may assess every person for such amount as he believes to be just and correct, and may omit his name or any land that he claims to own or occupy, if the assessor has reason to believe that he is not entitled to be placed on the roll or to be assessed for such land. R.S.O. 1960, c. 23, s. 18.

Offence for not furnishing information

16.—(1) Every person who, having been required to furnish information under section 13 or 14 makes default in delivering or furnishing it and any corporation that makes

default

default in delivering the statement mentioned in section 9 is guilty of an offence and on summary conviction is liable to a fine of not more than $100 and an additional fine of $10 for each day during which default continues.

for false statement

(2) Every person who knowingly states anything false in any such statement or in furnishing such information is guilty of an offence and on summary conviction is liable to a fine of not more than $200.

for obstructing assessor, etc.

(3) Every person who wilfully obstructs or interferes with any person referred to in subsection 1 of section 13 in the performance of any of his duties or the exercise of his rights, powers and privileges under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than $200. R.S.O. 1960, c. 23, s. 19.

Assessment roll content

17.—(1) The assessment commissioner shall cause to be prepared an assessment roll for each municipality in the region for which he is the assessment commissioner and, in such preparation, shall cause to be set down the following particulars:

1. A description of the property sufficient to identify it.

2. The name and surnames, in full, if they can be ascertained, of all persons who are liable to assessment in the municipality whether they are or are not resident in the municipality.

3. The amount assessable against each person opposite his name and where there is both owner and tenant, both names shall be entered on the roll.

4. Year of birth of every person entered on the roll.

5. Whether the person is a Canadian citizen, British subject, or an alien by inserting opposite his name the letters "C C", "B S" or "A", as the case may be.

6. Whether the person is an owner or tenant by inserting opposite his name the letter "O" or "T", as the case may be, and where the person is a "farmer's son", "farmer's daughter" or "farmer's sister", there shall also be similarly entered the letters "F S", "F D" or "F Sis", and, in the case of a person who is entitled to be a municipal elector by reason of being the husband or wife of the person rated or entitled to be rated for land as provided by *The Municipal Act* or by reason of being the wife of a farmer's son, or a farmer's daughter or farmer's sister, there shall also be entered the letters "M F"

R.S.O. 1960, c. 249

meaning

meaning that such person is entitled to vote at municipal elections but is not to be counted for the purpose of determining representation in the county council, and all such names shall be numbered on the roll.

7. Occupation of every person entered on the roll.

8. Number of acres, or other measures showing the extent of the land.

9. Market value of the parcel of land.

10. Amount of taxable land.

11. Value of the land if liable for school rates only.

12. Value of land exempt from taxation.

13. Assessment for real property under clauses *a* and *c* of subsection 2 of section 294 of *The Municipal Act*. R.S.O. 1960 c. 249

14. Percentage applied in determining the amount of business assessment under section 7.

15. Residential assessment.

16. Professional and commercial assessment.

17. Manufacturing and industrial assessment.

18. Farm assessment.

19. Religion, if Roman Catholic.

20. Whether a public or separate school supporter, by inserting the letter "P" or "S" as the case may be.

21. Corporations assessment, by inserting the letter "C" where applicable.

(2) The following provisions shall be observed in the preparation of the assessment roll: Preparation

1. No assessment shall be made against the name of any deceased person, but, when the assessor is unable to ascertain the name of the person who should be assessed in lieu of the deceased person, he may enter, instead of such name, the words "Representatives of A.B., deceased" (*giving the name of the deceased person*).

2. Each subdivision shall be assessed separately, and every parcel of land (whether a whole subdivision or a portion thereof, or the whole or a portion of a building thereon) in the separate occupation of any person shall be separately assessed; provided that no portion of any building used or intended to be used as a residence shall be separately assessed unless it is a domestic establishment of two or more rooms in which the occupants usually sleep and prepare and serve meals.

3. Where a block of vacant land subdivided into lots is owned by the same person, it may be entered on the roll as so many acres of the original block or lot if the numbers and description of the lots into which it is subdivided are also entered on the roll.

Mechanical preparation

(3) To facilitate the use of mechanical methods of preparing the roll, and without limiting the generality of the foregoing,

(*a*) in the case of a Canadian citizen or British subject, the letters "C C", "B S" may be omitted and such omission signifies that the person is entered on the roll as a Canadian citizen or British subject;

(*b*) in the case of a public school supporter, the letter "P" may be omitted, and such omission signifies that the person is entered on the roll as a public school supporter;

(*c*) in the case of an owner, the letter "O" may be omitted, and such omission signifies that the person is entered on the roll as an owner. R.S.O. 1960, c. 23, s. 20, *amended*.

Interpretation

18.—(1) In this section,

(*a*) "farm" means not less than twenty acres of land in the actual occupation of the owner of it;

(*b*) "father" includes stepfather;

(*c*) "mother" includes stepmother;

(*d*) "owner" means a person who is owner in his or her own right, or a person whose wife is owner in her own right, of any estate for life or any greater estate legal or equitable, or of a leasehold estate, the term of which is not less than five years, except where the person is a widow and in that case "owner" means "owner in her own right" of such an estate;

(*e*) "son", "sons", "farmer's son" and "farmers' sons" means son or sons, stepson or stepsons of the full age of twenty-one years not otherwise entitled to be entered on the voters' list;

(*f*) "daughter", "daughters", "farmer's daughter" and "farmers' daughters" means daughter or daughters, stepdaughter or stepdaughters of the full age of twenty-one years not otherwise entitled to be entered on the voters' list;

(*g*) "farmer's sister" means a sister of the full age of twenty-one years, not otherwise entitled to be entered on the voters' list, who is the sister of the owner of a farm who is unmarried or is a widower, and has resided on the farm with such owner for the twelve months next preceding and is residing thereon at the date fixed for beginning to make the assessment roll.

Farmers' sons and daughters

(2) Subject to subsections 3 to 10, where a father or mother is the owner of a farm, his or her sons and daughters who have resided on the farm for the twelve months next preceding and are residing thereon at the date fixed for beginning to make the assessment roll have the same right to be entered on the roll as if they were jointly assessed for the farm with the father or mother, but they shall be entered on the roll as farmers' sons, or farmers' daughters, as the case may be.

When son or daughter not entitled to be entered

(3) Where the amount at which the farm is assessed is insufficient, if equally divided between a father or mother and son or daughter, and they were jointly assessed for it, to qualify both to vote at a municipal election, the son or daughter is not entitled to be entered on the roll in respect of the farm.

When assessment insufficient to qualify all sons

(4) If the father is living and there are more sons than one resident as provided in subsection 2, and the farm is not assessed for an amount sufficient, if equally divided between them, to qualify the father and all such sons to vote at a municipal election, so many of the sons in the order of their seniority, beginning with the eldest, as the amount at which the farm is assessed, if equally divided between them and the father, would be sufficient to qualify, are entitled to be entered on the roll as farmers' sons.

Idem

(5) If the father is dead and the mother is a widow and the farm is not assessed for an amount sufficient, if equally divided between them, to qualify all of them to vote at a municipal election, so many of the sons, in the order mentioned in subsection 4, as the amount at which the farm is assessed, if

equally

equally divided between the mother and them, would be sufficient to qualify, are entitled to be entered on the roll as farmers' sons

Right of daughter to vote where no sons

(6) Where a father or mother has no sons, the daughters, if any, for the purposes of subsection 4 or 5 are entitled to be entered on the roll as farmers' daughters in the same manner and to the same extent as the sons, if there had been sons, would have been entitled to be entered on the roll. R.S.O. 1960, c. 23, s. 24 (1-6).

Right of daughter to vote where sons also vote

(7) Where a father or mother has sons and daughters and the farm is assessed at an amount more than sufficient to entitle the father or mother and all the sons to be entered on the roll, but is not assessed for an amount sufficient to qualify also all such daughters to vote at a municipal election, so many of the daughters in the order mentioned for sons in subsection 4 as the amount at which the farm is assessed, if equally divided between the father, mother and the sons and daughters, would be sufficient to qualify, are entitled to be entered on the roll as farmers' daughters. *New.*

Right of farmer's sister to vote

(8) A farmer's sister has the same right to be entered on the roll as if she were jointly assessed for the farm with the owner, but she shall not be entered thereon as a farmer's sister unless the amount at which the farm is assessed is sufficient, if equally divided between them and they were jointly assessed for it, to qualify both to vote at a municipal election.

Right of more than one farmer's sister to vote

(9) In case more than one farmer's sister has the right under subsection 8 to be entered on the roll with the owner, and the farm is not assessed for an amount sufficient to qualify all such farmer's sisters to vote at a municipal election, so many of the farmer's sisters in the order mentioned for sons in subsection 4 as the amount at which the farm is assessed, if equally divided between the owner and the farmer's sisters, would be sufficient to qualify, are entitled to be entered on the roll as farmer's sisters.

Occasional absence not to disqualify

(10) Occasional or temporary absence from the farm for a time or times not exceeding in the whole six of the twelve months does not disentitle a farmer's son, farmer's daughter or farmer's sister to be entered on the roll. R.S.O. 1960, c. 23, s. 24 (8-10).

Assessor to be guided by index book R.S.O. 1960, c. 368

19. Where the index book required by section 54 of *The Separate Schools Act* is prepared, an assessor shall be guided thereby in ascertaining who have given the notices that are by law necessary in order to entitle supporters of Roman Catholic separate schools to exemption from the public school tax. R.S.O. 1960, c. 23, s. 25.

Evidence on which assessor to enter persons as separate school supporters

20. An assessor, where the entry in the index book mentioned in section 19 does not show a ratepayer to be a supporter of separate schools, shall accept the statement of the ratepayer, or a statement made on his behalf and by his authority, and not otherwise, that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person on the assessment roll as a separate school supporter, or if the assessor knows personally any ratepayer to be a Roman Catholic, this is also sufficient for placing such person on the assessment roll as a separate school supporter. R.S.O. 1960, c. 23, s. 26, *amended*.

School support

21.—(1) The Assessment Review Court shall hear and determine all complaints with regard to persons alleged to be wrongfully placed upon or omitted from the roll as public school supporters or as Roman Catholic separate school supporters, and any person so complaining or any ratepayer or school board may give notice in writing to the person whose name appears on the assessment notice as the person giving the notice on behalf of the municipality of such complaint, and the provisions of this Act as to giving notice of complaints against the assessment roll and proceedings for the trial thereof apply to complaints under this section except that the notice of complaint may be given at any time on or before the 14th day of October or the last day for appealing to the court whichever is the later. R.S.O. 1960, c. 23, s. 27 (1); 1961-62, c. 6, s. 3; 1967, c. 4, s. 1 (1), *amended*.

Determination of school support, time for

(2) Liability in respect of public or separate school support shall be determined in accordance with the circumstances existing at the time the notice of complaint was given. R.S.O. 1960, c. 23, s. 27 (2).

Revised assessment notice

(3) Notwithstanding subsection 1, if the notice of complaint is received more than thirty days before the last day for giving the notice under subsection 1, the person to whom the notice has been given under subsection 1 shall prepare and deliver to the clerk of the municipality, on or before the last day for giving the notice of complaint, a revised assessment notice showing liability in accordance with the circumstances existing at the time the notice of complaint was given, which notice shall be sent by the clerk, with the notice of the sitting of the court to consider the complaint, to the owner or tenant to be assessed, to the owner or tenant appearing on the assessment roll and to the complainant, and the court shall amend the roll in accordance with such revised assessment notice unless one of the parties concerned or his agent appears at the hearing and objects thereto, in which event the court shall determine the matter as provided in subsection 1. R.S.O. 1960, c. 23, s. 27 (3); 1967, c. 4, s. 1 (2), *amended*.

Notice to be given of assessment as public or separate school supporter

22.—(1) In the case of a municipality in which there are supporters of a Roman Catholic separate school therein, or contiguous thereto, there shall be printed in conspicuous characters, or written across or on the assessor's notice to every ratepayer provided for by section 40 in addition to the proper entry heretofore required to be made in the column respecting the school tax, the following words: "*You are assessed as a Separate School supporter*" or "*You are assessed as a Public School supporter*", as the case may be; or these words may be added to the notice to the ratepayer.

Notice to be given of change in assessment as public or separate school supporter

(2) Where a ratepayer, who was in the next preceding year assessed as a public school supporter, is being assessed as a separate school supporter or where a ratepayer, who was in the next preceding year assessed as a separate school supporter, is being assessed as a public school supporter, it is the duty of the assessor to give, in addition to all other notices, a written or printed notice to the ratepayer that the change is being made. R.S.O. 1960, c. 23, s. 28, *amended*.

Yearly census of inhabitants

23.—(1) The assessment commissioner shall cause a yearly census to be taken of the inhabitants of every municipality of the region for which he is the assessment commissioner according to the following age groups:

Group	Age	Group	Age	Group	Age
1.	—3 and under	5.	—8 and 9	9.	—16 to 19
2.	—4	6.	—10 to 13	10.	—20 to 59
3.	—5	7.	—14	11.	—60 to 64
4.	—6 and 7	8.	—15	12.	—65 to 69
				13.	—70 and over.

R.S.O. 1960, c. 23, s. 29 (1), *amended*.

Register of census

(2) The assessment commissioner shall cause the census to be entered in a register, which shall show the population in the age groups as required under subsection 1, and such register shall be according to the form and include the particulars prescribed by the Department.

Taking and return of census

(3) The census shall be taken yearly on or before the 30th day of September and a summary thereof showing the total number of inhabitants according to the age groups set forth in subsection 1 shall be returned by the assessment commissioner to the clerk of the municipality not later than the same year than the 1st day of October. 1966, c. 10, s. 6, *amended*.

Owner-occupied land

24.—(1) Land occupied by the owner shall be assessed against him.

(2) Unoccupied land the owner of which is resident in the municipality shall be assessed against him. Unoccupied land of resident

(3) Land owned by a resident in the municipality and occupied by any person other than the owner shall be assessed against the owner and the tenant. Land of resident occupied by tenant

(4) Occupied land owned by a person who is not a resident in the municipality shall be assessed against the owner, if known, and against the tenant. R.S.O. 1960, c. 23, s. 32 (1-4). Occupied land owned by non-resident

(5) Unoccupied land owned by non-residents shall be assessed in the same manner as the land of residents and, where the name of the owner cannot be ascertained, the assessor shall insert the word "non-resident" in the assessment roll for the name of the owner opposite the description of the land. R.S.O. 1960, c. 23, s. 32 (5), *amended*. Unoccupied land of non-residents

(6) Where land is owned by more persons than one, and any one of the owners is not resident in the municipality, Joint owners resident and non-resident

(*a*) if the land is occupied by any person other than the owners, it shall be assessed against the tenant and against such of the owners as are known; and

(*b*) if occupied by any of the owners or if unoccupied, it shall be assessed against all the owners who are known.

(7) Where the land is assessed against a tenant under subsection 4 or 6, the tenant, for the purpose of imposing and collecting taxes upon and from the land, shall be deemed to be the owner. R.S.O. 1960, c. 23, s. 32 (6, 7). Tenant, when to be deemed owner

(8) Land held by a trustee, guardian, executor or administrator shall be assessed against him as owner or tenant thereof, as the case may require, in the same manner as if he did not hold the land in a representative capacity, but the fact that he is a trustee, guardian, executor or administrator shall, if known, be stated in the roll, and such trustee, guardian, executor or administrator is only personally liable when and to such extent as he has property as such trustee, guardian, executor or administrator, available for payment of such taxes. R.S.O. 1960, c. 23, s. 32 (8), *amended*. Land held by trustees, etc.

25. The real estate of any transportation or transmission company shall be considered as land of a resident in the municipality although the company does not have an office in the municipality. R.S.O. 1960, c. 23, s. 33. Land of transportation or transmission company

26.

Assessment of Crown lands

26.—(1) Notwithstanding paragraph 1 of section 3, the tenant of land owned by the Crown where rent or any valuable consideration is paid in respect of such land and the owner of land in which the Crown has an interest and the tenant of such land where rent or any valuable consideration is paid in respect of such land shall be assessed in respect of the land in the same way as if the land was owned or the interest of the Crown was held by any other person.

(*a*) For the purposes of this subsection,

(i) "tenant", in addition to its meaning under section 1, also includes any person who uses land belonging to the Crown as, or for the purposes of, or in connection with, his residence, irrespective of the relationship between him and the Crown with respect to such use,

(ii) "residence" means a building or part of a building used as a domestic establishment and consisting of two or more rooms in which persons usually sleep and prepare and serve meals,

(iii) "rent or any valuable consideration" shall be deemed to have been paid, in the case of an employee using land belonging to the Crown as a residence, where there is a reduction in or deduction from the salary, wages, allowances or emoluments of the employee because of such use or where such use is taken into consideration in determining the employee's salary, wages, allowances or emoluments. R.S.O. 1960, c. 23, s. 34 (1), *amended*.

Assessment of Indian lands

(2) The tenant of land held in trust for a band or body of Indians who is not a member of such band or body where rent or any valuable consideration is paid in respect of such land shall be assessed in respect of the land in the same way as if the land was owned or held by any other person. R.S.O. 1960, c. 23, s. 34 (3).

Tenant's interests may be sold

(3) In addition to the liability of every person assessed under subsection 1 or 2 to pay the taxes assessed against him, the interest in such land, if any, of every person other than the Crown and the band or body of Indians for which it is held in trust or any member thereof is subject to the special lien on land for taxes given by *The Municipal Act* and is liable to be sold or vested in the municipality for arrears of taxes. R.S.O. 1960, c. 23, s. 34 (4), *amended*.

R.S.O. 1960, c. 249

(4) This section does not apply to the interest of a timber licensee, lessee, grantee or concessionaire in a licence, lease or agreement issued under *The Crown Timber Act*, or to any right in timber cut or to be cut by the holder of, or party to, such licence, lease or agreement, or to such improvements or equipment as lumber camps, tote roads, telephone lines, hoists, logging railways, dams or booms that may be used only temporarily in connection with logging or lumbering operations conducted under such licence, lease or agreement. 1960-61, c. 4, s. 3. Application to timber licensees, etc. R.S.O. 1960, c. 83

27.—(1) Subject to this section, land shall be assessed at its market value. Assessment of land

(2) Subject to subsection 3, the market value of land assessed is the amount that the land might be expected to realize if sold in the open market by a willing seller to a willing buyer. R.S.O. 1960, c. 23, s. 35 (1, 2), *amended*. Market value

(3) For the purposes of subsection 2, in ascertaining the market value of farm lands used only for farm purposes by the owner thereof or used only for farm purposes by a tenant of such an owner and buildings thereon used solely for farm purposes, including the residence of the owner or tenant and of his employees and their families on the farm lands, consideration shall be given to the market value of such lands and buildings for farming purposes only, and in determining such market value consideration shall not be given to sales of lands and buildings to persons whose principal occupation is other than farming. R.S.O. 1960, c. 23, s. 35 (3); 1960-61, c. 4, s. 4 (1); 1961-62, c. 6, s. 4 (1); 1962-63, c. 7, s. 5 (1), *amended*. Farm lands and buildings

(4) Where the owner of farm lands entitled to the benefit of subsection 3 dies or retires, the market value of the lands and buildings in respect of which subsection 3 applies shall be ascertained in the manner provided in subsection 3 in assessing such lands during the period the lands are held by him after his retirement or held by his estate after his death, but in no case beyond the two years immediately following the owner's death or retirement unless such lands are occupied by the surviving spouse of the deceased owner or by the retired owner. 1960-61, c. 4, s. 4 (2); 1961-62, c. 6, s. 4 (2), *amended*. Where owner dies or retires

(5) When an appeal has been taken in respect of the assessment of farm lands mentioned in subsection 3 from the decision of the Assessment Review Court, the assessment as finally determined on appeal shall remain fixed in respect of the same lands and buildings for a period of two years after Effect of assessment determined on appeal

the

the year in respect of which such appeal was taken so long as the lands and buildings are owned by a person whose principal occupation is farming. 1962-63, c. 7, s. 5 (2), *amended*.

Reforested lands

(6) Land that has been planted for forestation or reforestation purposes shall not be assessed at a greater value by reason only of such planting.

Woodlands

(7) Land used as woodlands shall not be assessed at a greater value by reason of the presence of the trees thereon nor shall it be assessed at a lesser value by reason of the removal of the trees.

Interpretation

(8) In subsection 7, "woodlands" means lands having not less than 400 trees per acre of all sizes, or 300 trees measuring over two inches in diameter, or 200 trees measuring over five inches in diameter, or 100 trees measuring over eight inches in diameter (all such measurements to be taken at four and one-half feet from the ground) of one or more of the following kinds: white or Norway pine, white or Norway spruce, hemlock, tamarack, oak, ash, elm, hickory, basswood, tulip (white wood), black cherry, walnut, butternut, chestnut, hard maple, soft maple, cedar, sycamore, beech, black locust, or catalpa, or any other variety that may be designated by order in council, and which lands have been set apart by the owner with the object chiefly, but not necessarily solely, of fostering the growth of the trees thereon and that are fenced and not used for grazing purposes. R.S.O. 1960, c. 23, s. 35 (15-17).

Profits from mines

28.—(1) The profits from a mine or mineral work shall be assessed by, and the tax leviable thereon shall be paid to, the municipality in which the mine or mineral work is situate, or, in unorganized territory, the school board or boards having jurisdiction over the area in which the mine or mineral work is situate; provided that the assessment on each oil or gas well operated at any time during the year shall be at least $20.

Business assessment

(2) Every person occupying mineral land for the purpose of any business other than mining is liable to business assessment as provided by section 7.

Petroleum mineral rights

(3) Where in any deed or conveyance of lands heretofore or hereafter made, the petroleum mineral rights in the lands have been or are reserved to the grantor, such mineral rights shall be assessed at their market value.

Tax on mine, etc., to be approved by Department R.S.O. 1960, c. 242

(4) Notwithstanding this section, the tax payable to a municipality upon a mine or mining work liable to taxation under section 3 of *The Mining Tax Act* is subject to the approval of the Department and shall not exceed,

(*a*) 1½ per cent of the amount of the annual profits upon which the tax payable under the said section 3 is based, up to and including $2,333,333.33; and

(*b*) 2½ per cent of the annual profits upon which the tax payable under the said section 3 is based, that are in excess of $2,333,333.33.

Mine assessment to be required as for real property

(5) Notwithstanding paragraph 19 of section 3 but subject to subsection 4, the assessment of profits from a mine or mineral work or mining work under this section shall be deemed to be real property assessment and the taxes payable in accordance with subsection 4 upon such assessment are a lien upon all the lands in the municipality of the person liable for payment of such taxes.

Distribution of taxes

(6) The taxes payable in accordance with subsection 1 or 4 shall be distributed among the bodies that would have received them had such taxes been levied in the usual way and in the same ratio.

Minerals and surface rights becoming vested in one owner

(7) Where any estate in mines, minerals or mining rights has heretofore or may hereafter become severed from the estate in the surface rights of the same lands, whether by means of the original patent or lease from the Crown, or by any act of the patentee or lessee, his heirs, executors, administrators, successors or assigns, such estates after being so severed shall thereafter be and remain for all purposes of taxation and assessment separate estates notwithstanding the circumstances that the titles to such estates may thereafter be or become vested in one owner. R.S.O. 1960, c. 23, s. 35 (8-14).

Regulations payments to mining municipalities

(8) The Minister may make regulations,

(*a*) providing for the making of payments to mining municipalities, and providing a formula or method of computing such payments;

(*b*) prescribing the terms and conditions of such payments;

(*c*) prescribing definitions of any word or expression, except the expression "mining municipality", whether or not used in this Act, for the purposes of the regulations;

(*d*) designating municipalities as mining municipalities for the purposes of the regulations;

(*e*) providing, in respect of any matter dealt with in or under the regulations, that the approval of the Minister shall be required.

(9)

Idem

(9) Where a municipality receives a payment in any year under the regulations made under subsection 8, it shall not assess or tax the profits of any mine or mineral work under subsection 1 or 4 in that year and the payment shall be distributed as follows:

R.S.O. 1960, c. 242

1. The portion computed with reference to the mines profits as calculated under section 3 of *The Mining Tax Act* and set out by the mine assessor in the notice or notices of assessment referred to in section 11 of *The Mining Tax Act* in respect of any or all mines or mineral works located in the municipality shall be distributed in the manner provided in subsection 6.

2. The portion computed with reference to the number of miners residing inside and working outside the municipality shall form part of the general funds of the municipality.

Idem

(10) Notwithstanding subsection 9, where there are no mines profits calculated under section 3 of *The Mining Tax Act*, the payment shall form part of the general funds of the municipality.

Idem

(11) Payments made under subsection 8 shall be paid out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1960, c. 23, s. 36.

Exemption of farm lands from taxation for certain expenditures

29.—(1) In any municipality where lands held and used as farm lands only and in blocks of not less than five acres by any one person are not benefited to as great an extent by the expenditure of moneys for and on account of public improvements, of the character hereinafter mentioned, in the municipality as other lands therein generally, the council shall annually before the 1st day of March pass a by-law declaring what part, if any, of such lands are exempt or partly exempt from taxation for the expenditures of the municipality incurred for waterworks, fire protection, garbage collection, sidewalks, pavements or sewers, or the lighting, oiling, tarring, treating for dust or watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such expenditures or any of them.

Notice

(2) The clerk shall forthwith notify by registered mail each person affected by the by-law as to what exemption is provided for his lands by the by-law.

Appeal against by-law

(3) Any person complaining that the by-law does not exempt him or sufficiently exempt him or his lands from taxation may, within fourteen days after the mailing of the notice, notify the clerk of the municipality and the secretary of the Ontario Municipal Board of his intention to appeal

against

against the provisions of the by-law, or any of them, to the Ontario Municipal Board which has power to alter or vary any or all of the provisions of the by-law and to determine the matter of complaint in accordance with the spirit and intent of this section.

Appeal where no by-law passed

(4) If the council fails to pass the by-law before the 1st day of March, any person affected may, on or before the 21st day of March, notify the clerk of the municipality and the Minister of his intention to appeal to the Minister, and, upon such an appeal being taken, the Minister may make an order declaring what part, if any, of the lands of the person appealing is exempt or partly exempt from taxation, and such order when approved by the Lieutenant Governor in Council and published in *The Ontario Gazette* shall be deemed to be the by-law of the council as if passed under subsection 1 except that there shall be no appeal therefrom under subsection 3. R.S.O. 1960, c. 23, s. 37 (1, 4), *amended*.

Assessment appeals not affected

(5) Nothing in this section shall be deemed to prevent or affect any right of appeal against an assessment. R.S.O. 1960, c. 23, s. 37 (6).

Exemption of farm lands in police villages

30.—(1) Section 29 applies to a police village so that farm lands situate therein may be exempted or partly exempted from taxation in the same manner, to the same extent, and for the purposes mentioned in that section.

Exemption by-law to be passed by trustees of police village

(2) The trustees or board of trustees of a police village have power to and shall pass by-laws as provided for in section 29 and forthwith after passing the by-law shall furnish a certified copy thereof to the clerk of the township or townships in which the police village or any part thereof is situate, and all notices to be given under that section shall be given to the trustees or board of trustees of the police village instead of to the clerk of the municipality.

Notice of by-law and of decisions to be given to township clerk

(3) The trustees or board of trustees of a police village shall notify the clerk of the township or townships, in which the police village or any part thereof is situate, of any decision of the Minister or the Ontario Municipal Board in respect of lands in the police village made under section 29 forthwith after it is received. R.S.O. 1960, c. 23, s. 38 (1-3), *amended*.

Application of by-law by township council in striking rates

(4) The provisions of every by-law of a police village passed under the authority of this section, and of every decision of the Minister or the Ontario Municipal Board with respect to such police village, shall be made applicable by the council of the township or townships in which the

police

police village or any part thereof is situate in striking the rates to be levied in or for the purposes of the police village. R.S.O. 1960, c. 23, s. 38 (5), *amended*.

Agreement for fixed assessment for golf course

31.—(1) Any local municipality may enter into an agreement with the owner of a golf course for providing a fixed assessment for the land occupied as a golf course, but not including the part of the land actually occupied by any building or structure or such building or structure, to apply to taxation for general, school and special purposes, but not to apply to taxation for local improvements. R.S.O. 1960, c. 23, s. 39 (1); 1966, c. 10, s. 7 (1).

Duties of municipal officials:

(2) Where a golf course has a fixed assessment under an agreement under subsection 1,

assessment

(*a*) the golf course shall be assessed each year as if it did not have a fixed assessment;

taxes

(*b*) the treasurer shall calculate each year what the taxes would have been on the golf course if it did not have a fixed assessment;

record

(*c*) the treasurer shall keep a record of the difference between the taxes paid each year and the taxes that would have been paid if the golf course did not have a fixed assessment and shall debit the golf course with this amount each year during the term of the agreement and shall add to such debit on the 1st day of January in each year such interest as may be agreed upon on the aggregate amount of the debit on such date; and

distribution of taxes

(*d*) the taxes paid on the fixed assessment shall be distributed among the bodies for which the municipality is required to levy in the porportion that the levy for each body bears to the total levy.

Agreement to be registered

(3) Every agreement shall be registered in the registry office or land titles office, as the case may be, in the county in which the golf course or any part thereof is located. R.S.O. 1960, c. 23, s. 39 (2, 3).

Termination of agreement, as to all of lands

(4) When an agreement is for any reason terminated as to the whole of the lands in respect of which the fixed assessment is given, the owner shall,

(*a*) pay to the municipality the amount debited against the golf course, including the amounts of interest debited in accordance with clause *c* of subsection 2; or

(*b*) require the municipality to purchase the golf course for an amount equal to the fixed assessment.

as to part of lands

(5) When an agreement is for any reason terminated as to a part of the land in respect of which the fixed assessment is given, the owner shall,

(*a*) pay to the municipality that portion of the amount debited against the golf course, including the amounts of interest debited in accordance with clause *c* of subsection 2, that is attributable to the portion of the golf course in respect of which the agreement is terminated; or

(*b*) require the municipality to purchase the part of the golf course in respect of which the agreement is terminated for an amount equal to the fixed assessment that is attributable to such part.

Agreement terminated when land ceases to be used as golf course

(6) Where a golf course has a fixed assessment under an agreement under subsection 1, the agreement shall terminate as to the whole or any part of the land in respect of which the fixed assessment is given when the whole or any such part thereof ceases to be occupied for the purposes of a golf course.

Termination of agreement

(7) Any agreement may be terminated on the 31st day of December in any year upon the owner of the golf course giving six months notice of such termination in writing to the municipality.

Dispute

(8) Any dispute between the municipality and the owner of the golf course in relation to an agreement or this section shall be settled by the Ontario Municipal Board, and the decision of the Board is final. 1966, c. 10, s. 7 (2).

Assessment of lands of water, heat, light, power and transportation companies

32.—(1) The property by subclause v of clause *l* of section 1 declared to be "land" that is owned by companies or persons supplying water, heat, light and power to municipalities and the inhabitants thereof, and companies and persons operating transportation systems and companies or persons distributing by pipe line natural gas, manufactured gas or liquefied petroleum gas or any mixture of any of them shall, whether situate or not situate upon a highway, street, road, lane or other public place, when and so long as in actual use, be assessed at its market value in accordance with section 27. R.S.O. 1960, c. 23, s. 40 (1), *amended*.

Application of section

(2) This section does not apply to a pipe line as defined in section 33.

Assessment of works extending into two or more municipalities

(3) Where the property of any such company or person extends through two or more municipalities, the portion thereof in each municipality shall be separately assessed therein at its value as an integral part of the whole property. R.S.O. 1960, c. 23, s. 40 (2, 3).

Assessment of structures, rails, etc., of transportation system

(4) Notwithstanding any other provisions of this Act, the structures, substructures, superstructures, rails, ties, poles and wires of such a transportation system are liable to assessment and taxation in the same manner and to the same extent as those of a steam railway are under section 38 and not otherwise. R.S.O. 1960, c. 23, s. 40 (5).

Interpretation

33.—(1) In this section,

1964, c. 27

(*a*) "gas" means gas as defined in *The Energy Act, 1964*;

(*b*) "oil" means crude oil or liquid hydrocarbons or any product or by-product thereof;

(*c*) "pipe line" means, subject to subsection 4, a pipe line for the transportation or transmission of gas that is designated by the owner as a transmission pipe line and a pipe line for the transportation or transmission of oil, and includes,

(i) all valves, couplings, cathodic protection apparatus, protective coatings and casings,

(ii) all haulage, labour, engineering and overheads in respect of such pipe line,

(iii) any section, part or branch of any pipe line,

(iv) any easement or right of way used by a pipe line company, and

(v) any franchise or franchise right,

but does not include a pipe line or lines situate wholly within an oil refinery, oil storage depot, oil bulk plant or oil pipe line terminal;

(*d*) "pipe line company" means every person, firm, partnership, association or corporation owning or operating a pipe line all or any part of which is situate in Ontario. R.S.O. 1960, c. 23, s. 41 (1); 1966, c. 10, s. 8 (1).

(2) On or before the 1st day of July in each year, the pipe line company shall notify the assessment commissioner of each municipality of the age, length and diameter of all its transmission pipe lines located in the municipality as of the 1st day of June of that year. 1966, c. 10, s. 8 (2), *amended*. Notice to municipalities

(3) All disputes as to whether or not a gas pipe line is a transmission pipe line shall, on the application of any interested party, be decided by the Ontario Energy Board and its decision is final. Disputes

(4) Notwithstanding any other provisions of this Act, but subject to subsection 6, a pipe line shall be assessed for taxation purposes at the following rates: Assessment of pipe line

OIL TRANSMISSION PIPE LINE

Size of Pipe		Assessment per Foot of Length
¾" to 1"	Nominal Inside Diameter	$ 1.20
1¼" to 1½"	" " "	1.45
2" and 2½"	" " "	1.70
3"	" " "	2.20
4" and 4½"	" " "	2.70
5" and 5⅝"	" " "	3.20
6" and 6⅝"	" " "	3.70
8"	" " "	5.90
10"	" " "	6.80
12"	" " "	8.55
14"	Outside Diameter	9.20
16"	" "	10.35
18"	" "	11.45
20"	" "	12.45
22"	" "	13.75
24"	" "	14.80
26"	" "	15.70
28"	" "	16.75
30"	" "	17.70
32"	" "	18.65
34"	" "	19.50
36"	" "	20.35
38"	" "	21.35

FIELD AND GATHERING PIPE LINE

¾" to 1"	Nominal Inside Diameter	$ .90
1¼" to 1½"	" " "	1.09
2" and 2½"	" " "	1.31
3"	" " "	1.69
4" and 4½"	" " "	2.10
5" and 5⅝"	" " "	2.47
6" and 6⅝"	" " "	2.89
8"	" " "	4.65
10"	" " "	5.44
12"	" " "	6.90

GAS TRANSMISSION PIPE LINE

Size of Pipe		Assessment per foot of Length
¾" to 1"	Nominal Inside Diameter	$ 1.20
1¼" to 1½"	" " "	1.45
2" and 2½"	" " "	1.75
3"	" " "	2.25
4" and 4½"	" " "	2.80
5" and 5⅝"	" " "	3.30
6" and 6⅝"	" " "	3.85
8"	" " "	6.20
10"	" " "	7.25
12"	" " "	9.20
14"	Outside Diameter	10.00
16"	" "	11.40
18"	" "	12.75
20"	" "	14.00
22"	" "	15.65
24"	" "	17.00
26"	" "	18.25
28"	" "	19.70
30"	" "	21.10
32"	" "	22.50
34"	" "	23.80
36"	" "	25.15
38"	" "	26.70

R.S.O. 1960, c. 23, s. 41 (4, 5), *amended*.

Adjustment of assessment

(5) The assessment of pipe lines in each municipality determined under subsection 4 shall be adjusted by the application of the latest equalization factor provided by the Department. 1965, c. 6, s. 3 (1).

Depreciation of pipe lines

(6) A pipe line shall be depreciated at the rate of 5 per cent of the assessed value of the pipe line every three years from the year of installation, with a maximum depreciation of 55 per cent. 1966, c. 10, s. 8 (3).

Pipe lines removed and installed in another location

(7) A pipe line removed from one location and reinstalled in another location shall, where depreciation is applicable, continue to be depreciated at the foregoing rates as though remaining in its original location.

Pipe lines abandoned

(8) A pipe line that has been abandoned in any year ceases to be liable for assessment effective with the assessment next following the date of abandonment. R.S.O. 1960, c. 23, s. 41 (8, 9).

Reduction of assessment on pipe line

(9) Where a pipe line has been constructed and used for the transportation of oil or gas and ceases to be so used by reason of an order or regulation of an authority having jurisdiction in that behalf, other than the taxing authority,

and

and an application to the proper authority for permission to abandon such pipe line has been refused, the assessment of such pipe line shall be reduced by 20 per cent so long as it is not used for the transportation of oil or gas. 1966, c. 10, s. 8 (4).

Liability to taxation of pipe line on exempt property

(10) Where a pipe line is located on, in, under, along or across any highway or any lands exempt from taxation under this or any special or general Act, the pipe line is nevertheless liable to assessment and taxation in accordance with this section.

Tax liability

(11) Notwithstanding the other provisions of this Act or any other special or general Act, a pipe line liable for assessment and taxation under this section is not liable for assessment and taxation in any other manner for municipal purposes, including local improvements, property and business taxes, but all other land and buildings of the pipe line company liable for assessment and taxation under this or any other special or general Act continue to be so liable.

Assessment of pipe line extending into two or more municipalities

(12) Where a pipe line extends through two or more municipalities, only the portion or portions thereof in each municipality are liable for assessment and taxation in that municipality.

Pipe lines on municipal boundaries

(13) Where a pipe line is placed on a boundary between two municipalities or so near thereto as to be in some places on one side and in other places on the other side of the boundary line or on or in a road that lies between two municipalities, although it may deviate so as in some places to be wholly or partly within either of them, such pipe line shall be assessed in each municipality for one-half of the amount assessable against it under this section.

Real property assessment

(14) The assessment of a pipe line under this section shall be deemed to be real property assessment and the taxes payable by a pipe line company on the assessment of a pipe line under this section are a lien on all the lands of such company in the municipality. R.S.O. 1960, c. 23, s. 41 (10-14).

Review of rates

(15) The rates set out in subsection 4 shall be reviewed by the Minister in the year 1971 and every third year thereafter, and in any such year the Lieutenant Governor in Council may by regulation amend or re-enact the table of rates set out in subsection 4. R.S.O. 1960, c. 23, s. 41 (15); 1965, c. 6, s. 3 (2).

Pipes, poles, wires, etc., on boundary lines

34. Except as provided by subsection 14 of section 8, where any structure, pipe, pole, wire or other property is erected or placed upon, in, over, under or affixed to any high-

way

way forming the boundary line between two local municipalities, or so that such structure, pipe, pole, wire or property is in some places on one side and in other places on the other side of the boundary line, or is on a highway forming the boundary line between two local municipalities although it may deviate so as in some places to be wholly or partly within either of them, it shall be assessed in each municipality for one-half of the whole assessable value in both municipalities taken together. R.S.O. 1960, c. 23, s. 42.

Interpretation

35.—(1) In this section,

(*a*) "commission" means the council of a municipal corporation, or a commission or trustees or other body, operating a public utility for or on behalf of the corporation and includes a municipal parking authority established under any general or special Act;

R.S.O. 1960, c. 98

(*b*) "public utility" means a public utility as defined in *The Department of Municipal Affairs Act* and includes parking facilities on land owned by a municipal corporation or by a municipal parking authority established under any general or special Act. R.S.O. 1960, c. 23, s. 43 (1).

Property deemed vested in commission

(2) For the purposes of this section, land and buildings owned by and vested in a municipal corporation and used for the purposes of a public utility shall be deemed to be owned by and vested in the commission operating the public utility. R.S.O. 1960, c. 23, s. 43 (2); 1967, c. 4, s. 2.

Annual payments to municipalities

(3) Every commission shall pay in each year, to any municipality in which are situated lands or buildings owned by and vested in the commission, the total amount that all rates, except, subject to subsections 4 and 5, rates on business assessment, levied on the assessment for real property that is used as a basis for computing business assessment in that municipality for taxation purposes based on the assessed value of the land according to the average value at which lands are assessed in the municipality and the assessed value of such buildings, would produce. R.S.O. 1960, c. 23, s. 43 (3); 1962-63, c. 7, s. 6, *amended*.

Idem

(4) The commission shall also pay the amount that the current rates on business assessment on the lands or buildings referred to in subsection 3, not including any lands or buildings referred to in subsection 5, would produce based on the applicable percentage of the assessed value provided for in subsection 3.

Idem

(5) The commission shall also pay the amount that the current rates on business assessment would produce on lands and buildings owned or occupied by the commission for carrying on the business of selling by retail electrical goods, supplies or appliances.

Local improvements R.S.O. 1960, c. 223

(6) Notwithstanding section 62 of *The Local Improvement Act*, the commission shall pay local improvement assessments. R.S.O. 1960, c. 23, s. 43 (4-6).

Credit to municipal general fund

(7) The payments received under subsections 3, 4 and 5 shall be credited by the municipality to the general fund of the municipality. R.S.O. 1960, c. 23, s. 43 (7); 1966, c. 10, s. 9.

Mode of assessment appeals

(8) Subject to subsections 3, 4 and 10, the property on which payment is to be made under subsections 3, 4 and 5 shall be assessed according to this Act, and the provisions of this Act respecting appeals apply.

Valuation to be included in equalizing assessment

(9) The valuation of properties assessed under this section shall be included when equalizing assessment or apportioning levies for any purpose.

Exemptions

(10) In making the assessment referred to in subsection 8, there shall be no assessment of machinery whether fixed or not nor of the foundation on which it rests, works, structures other than buildings referred to in subsection 3 or 5, substructures, superstructures, except where a substructure or superstructure forms an integral part of a building referred to in subsection 3 or 5, rails, ties, poles, towers, lines nor of any of the things excepted from exemption from taxation by paragraph 17 of section 3 nor of other property, works or improvements not referred to in subsection 3 or 5, nor of an easement or the right or use of occupation or other interest in land not owned by the commission.

Application

(11) Nothing in this section exempts from taxation any part of any works, structures, substructures or superstructures when occupied by a tenant or lessee.

Municipal telephone companies

(12) Notwithstanding subsection 10, telephone companies assessed under this section shall be assessed to the same extent as telephone companies are assessed under sections 8 to 11.

Application of section

(13) This section applies notwithstanding any other provision in this Act or any other general or special Act or any agreement heretofore made, and any agreement heretofore made under which a commission pays taxes, or money in lieu of taxes or for municipal services, is void. R.S.O. 1960, c. 23, s. 43 (8-13).

Collection of payments R.S.O. 1960, c. 249

(14) The provisions of this Act and *The Municipal Act* with respect to the collection of taxes apply *mutatis mutandis* to the payments required to be made by a commission under this section. 1961-62, c. 6, s. 5, *amended*.

Bridges and tunnels over international boundary line

36. In the case of any bridge or tunnel liable to assessment that belongs to or is in the possession of any person or corporation, and that crosses a river forming the boundary between Ontario and any other country or province, the part of such structure within Ontario shall be valued as an integral part of the whole and on the basis of the valuation of the whole, and at its actual cash value as it would be appraised upon a sale to another company possessing similar powers, rights and franchises and subject to similar conditions and burdens, but subject to the provisions and basis of assessment set forth in subsection 1 of section 32. R.S.O. 1960, c. 23, s. 44.

Bridges and tunnels between municipalities

37. Any bridge or tunnel belonging to or in possession of any person or corporation between two municipalities in Ontario shall be valued as an integral part of the whole and on the basis of valuation of the whole. R.S.O. 1960, c. 23, s. 45.

Railway Companies to furnish certain statements to municipalities

38.—(1) Every railway company shall transmit annually on or before the 1st day of February to the clerk of every municipality in which any part of the roadway or other real property of the company is situate, a statement showing,

(*a*) the quantity of land occupied by the roadway, and the actual value thereof (according to the average value of land in the locality) as rated on the assessment roll of the previous year;

(*b*) the vacant land not in actual use by the company and the value thereof;

(*c*) the quantity of land occupied by the railway and being part of the highway, street, road or other public land (but not being a highway, street or road that is merely crossed by the line of railway) and the assessable value as hereinafter mentioned of all the property belonging to or used by the company upon, in, over, under or affixed to it;

(*d*) the real property, other than that referred to in clauses *a*, *b* and *c*, in actual use and occupation by the company, and its assessable value as hereinafter mentioned,

and where the clerk receives the statement he shall forward it to the assessment commissioner.

(2) The land and property under subsection 1 shall be assessed as follows, Assessment of railway land

(*a*) the roadway or right of way at the actual value thereof according to the average value of land in the locality, but not including the structures, substructures and superstructures, rails, ties, poles and other property thereon;

(*b*) the vacant land, at its value as other vacant lands are assessed under this Act;

(*c*) the structures, substructures, superstructures, rails, ties, poles and other property belonging to or used by the company (not including rolling stock and not including tunnels or bridges in, over, under or forming part of any highway) upon, in, over, under or affixed to any highway, street or road (not being a highway, street or road merely crossed by the line of railway) at their actual cash value as they would be appraised upon a sale to another company possessing similar powers, rights and franchises, regard being had to all circumstances adversely affecting the value including the non-user of such property;

(*d*) the real property not designated in clauses *a*, *b* and *c* in actual use and occupation by the company, at its actual cash value as it would be appraised upon a sale to another company possessing similar powers, rights and franchises. R.S.O. 1960, c. 23, s. 46 (1, 2), *amended*.

(3) Notwithstanding any other provision in this Act, the structures, substructures, superstructures, rails, ties, poles, wires and other property on railway lands and used exclusively for railway purposes or incidental thereto (except stations, freight sheds, offices, warehouses, elevators, hotels, heating plants, round houses and machine, repair and other shops) shall not be assessed, but heating plants shall be exempt from assessment to the extent that the amount of steam or heat is used in relation to the cleaning or heating of rolling stock. R.S.O. 1960, c. 23, s. 46 (3); 1962-63, c. 7, s. 7 (1). Rails, ties, poles, substructures, etc., not assessable

(4) The assessment commissioner shall deliver at, or transmit by mail to, any station or office of the company a notice, addressed to the company, of the total amount at which he has assessed the land and property of the company in the municipality showing the amount of each description of property mentioned in the above statement of the company, and the statement and notice respectively shall be held to be the assessment return and notice of assessment required by sections 14 and 40. R.S.O. 1960, c. 23, s. 46 (4), *amended*. Notice of assessment

Exemption from other assessments

(5) A railway company assessed under this section is exempt from assessment in any other manner for municipal purposes except for local improvements and except for business assessment in respect of hotels under section 7 and business assessment upon the portion of a heating plant that is in the proportion that the amount of the heat produced by such plant that is sold for the purposes of a hotel or for a purpose not exclusively a railway purpose or incidental thereto bears to the total heat produced by such plant in any year. R.S.O. 1960, c. 23, s. 46 (5); 1962-63, c. 7, s. 7 (2).

Quinquennial railway assessment

39. When an assessment has been made under section 38, the amount thereof in the roll as finally revised and corrected for the year is the amount for which the company shall be assessed for the next following four years in respect of the land and property included in such assessment, but at any time before the return of the assessment roll in any year,

(*a*) the amount may be reduced by deducting therefrom the value of any land or property included in such assessment that has ceased to belong to the company; and

(*b*) the amount may be increased by adding thereto the value of any additional land or property not included in such assessment and the value or increase in value of any land or property of the company that is erected, altered or enlarged and the value or increase in value of any land or property or portion thereof that has ceased to be exempt from taxation. 1962-63, c. 7, s. 8.

Notice of assessment

40.—(1) The assessment commissioner or an assessor, shall, at least fifteen days prior to the completion of the assessment roll, deliver in the manner provided in this section to every person named therein, except persons entered on the roll under section 18, a notice in a form prescribed by the regulations of the sum or sums for which such person has been assessed and such other particulars as are mentioned in the prescribed form, and shall enter in the roll opposite the name of the person the date of delivery of the notice or shall make one or more certificates to be attached to the roll or to any part of the roll certifying the date or dates upon which the notices were delivered, and the entry, certificate and certificates are *prima facie* evidence of the delivery. 1966, c. 10, s. 10, *amended*.

Delivery of notice, residents

(2) When the person assessed is resident in the municipality, the notice shall be delivered by leaving it at his residence or place of business or by mailing it addressed to him at his residence or place of business.

(3) When the person assessed is not resident in the municipality, the notice shall be delivered by mailing it addressed to him at his last known address. R.S.O. 1960, c. 23, s. 48 (2, 3). non-residents

(4) When a person assessed furnishes the assessment commissioner with a notice in writing giving the address to which the notice of assessment may be delivered to him and requesting that the notice be delivered to such address, the notice of assessment shall be so delivered, and such notice stands until revoked in writing. R.S.O. 1960, c. 23, s. 48 (4), *amended*. Notice of address

(5) The assessment commissioner or an assessor shall deliver with the notice required by subsection 1, or publish in a newspaper having general circulation in the municipality in which the land assessed is situated, a notice setting forth, Information notice

(*a*) the last day for appealing the assessment;

(*b*) the times and places where the assessment roll may be examined and discussed with the assessment commissioner or an assessor;

(*c*) any significant and unusual change in the amount of the assessment; and

(*d*) any other information which, in the opinion of the assessment commissioner, is desirable,

but any failure to send such notice does not affect the validity of any assessment.

41. Notwithstanding the delivery or transmission of any notice provided for by section 40, the assessment commissioner at any time before the time fixed for the return of the assessment roll may correct any error in any assessment and alter the roll accordingly, and he shall do so upon notice being given to him of any error, and, upon so correcting or altering any assessment, he shall deliver or transmit to the person assessed an amended notice. R.S.O. 1960, c. 23, s. 49, *amended*. Correction of errors in assessment roll

42.—(1) If at any time it appears to any officer of the municipality that land liable to assessment has been omitted from the collector's roll in whole or in part for the current year or for either or both of the next two preceding years, he shall report the omission to the clerk of the municipality and, thereupon, or if the omission comes to the knowledge of the clerk of the municipality in any other manner, the clerk shall enter such land on the collector's roll as well for the arrears Where land omitted from collector's roll

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of the preceding year or years, if any, as for the tax on the current year, and the valuation of the land shall be the average of the three previous years, if assessed for such three years, but, if not so assessed, the clerk shall require the assessment commissioner for the current year to value the land, and it is the duty of the assessment commissioner to do so when required, and to certify the valuation in writing to the clerk. R.S.O. 1960, c. 23, s. 52 (1), *amended*.

Omissions of business assessment

(2) If at any time it appears to any officer of the municipality that any business assessment has been omitted in whole or in part from the assessment roll for the current year or for either or both of the next two preceding years, he shall report the omission to the clerk of the municipality and, thereupon, or if the omission to assess comes to the knowledge of the clerk in any other manner, the clerk shall enter such business assessment on the assessment roll from which such assessment has been omitted, and as well for the preceding year as for the current year shall enter on the collector's roll the taxes payable in respect thereof, but in respect of any assessment for a preceding year or years the taxes payable in respect thereof shall be calculated at the rates of taxation levied for such year or years.

Notice and appeals

(3) Where the clerk performs any of the duties required by this section, he shall, before the assessment is added to the collector's roll under subsection 1 or to the assessment roll under subsection 2, deliver to or send by registered mail to the person so taxed a notice setting out the amount of the assessment and the time within which an appeal may be made from such assessment, and the same rights in respect of appeal apply as if the building or land or business had been assessed in the usual way, but for the purposes of an appeal from an assessment under this section the assessment roll shall be deemed to have been returned on the day such assessment is added to the collector's roll under subsection 1 or to the assessment roll under subsection 2, as the case may be. R.S.O. 1960, c. 23, s. 52 (2, 3).

Additions to collector's roll

43.—(1) The clerk of the municipality shall, after the 1st day of January and before the 28th day of November in any year, enter in the collector's roll,

(*a*) the value or increase in value, as the case requires, as certified by the assessment commissioner, of any building as determined by section 27 that before or after the 1st day of January is erected, altered or enlarged and that after the 1st day of January becomes occupied or reasonably fit for occupancy;

(*b*) the value or increase in value, as the case requires, as certified by the assessment commissioner, of any building or land or portion thereof that after the 1st day of January ceases to be exempt from taxation or that ceases to be assessed as provided in subsection 3 of section 27;

(*c*) the name of any person who after the 1st day of January commences to occupy or use land for any business purpose mentioned in section 7, and the amount of the business assessment with respect thereto, as certified by the assessment commissioner; and

(*d*) the increase in value, as certified by the assessment commissioner, of any pipe line that ceases to be entitled to the reduction provided for in subsection 9 of section 33. R.S.O. 1960, c. 23, s. 53 (1); 1966, c. 10, s. 11 (1), *amended*.

Amount of taxes

(2) Where an entry is made in the collector's roll under this section, the amount of the taxes to be levied thereon shall be a portion of the amount of taxes that would have been levied for the current year if the assessment had been made in the usual way, and that portion shall be in the ratio that the number of months remaining in the current year after the month in which the notice provided for in subsection 4 is delivered or sent bears to the number 12, and shall be entered on the collector's roll and collected in the same manner as if the assessment had been made in the usual way.

Rates for commercial property added to roll

(3) Where the amount of a business assessment is entered in the collector's roll under clause *c* of subsection 1, the real property with respect to which such business assessment is computed is, for the number of months remaining in the current year after the month in which the notice provided for in subsection 4 is delivered or sent, liable to taxation at the rate levied under subsection 2 of section 294 of *The Municipal Act*, and the clerk of the municipality shall amend the collector's roll accordingly. R.S.O. 1960, c. 23, s. 53 (2, 3).

R.S.O. 1960, c. 249

Notice and appeals

(4) Where an entry is made or is to be made in the collector's roll under this section, the assessment commissioner shall, before the assessment is added to the collector's roll, deliver as provided for notices of assessment in subsections 2 and 3 of section 40 to the person to be taxed a notice setting out the amount of the assessment and, where applicable, the amount of the assessment of real property liable to taxation under subsection 3, and the time within which an appeal may be made from such assessment, and the same rights in respect of appeal lie as if the assessment had been made in

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the usual way, but for the purposes of an appeal made from an assessment under this section the assessment roll shall be deemed to have been returned on the day such assessment is added to the collector's roll. R.S.O. 1960, c. 23, s. 53 (4); 1966, c. 10, s. 11 (2), *amended*.

Evidence of delivery of notice

(5) When a notice has been delivered under subsection 4, the assessment commissioner shall enter in the collector's roll, opposite the name of the person, the date of delivery of the notice or shall make one or more certificates to be attached to the roll or to any part of the roll certifying the date or dates upon which the notices were delivered, and the entry, certificate and certificates are *prima facie* evidence of the delivery. 1967, c. 4, s. 3, *amended*.

Distribution

(6) Where taxes are levied under this section,

(*a*) the amount thereof that, if the taxes had been levied in the usual way, would have been paid to any body, for which the council is required by law to levy rates or raise money, shall be set up in the accounts of the municipality as a credit accruing to that body in the same proportion as the levy for that body bears to the total levy;

R.S.O. 1960, cc. 330, 362

(*b*) notwithstanding subsection 3 of section 69 of *The Public Schools Act* and subsection 2 of section 34 of *The Secondary Schools and Boards of Education Act*, the amount credited to a body under clause *a* shall be paid over to such body not later than the 31st day of December in the year in which it was levied and shall be used by such body to reduce the levy for the purposes of such body in the next succeeding year, and, if the amount or any portion thereof is not paid over to such body on or before the 31st day of December in the year in which it was levied, the municipality so in default shall, if demanded by such body, pay interest thereon to such body at the rate of 6 per cent per annum from such date until payment is made.

(*c*) the balance remaining after the setting up of all credits as provided in clause *a* shall be taken into the general funds of the municipality;

(*d*) notwithstanding clauses *a* and *b*, where in a high school district a municipality is required under an agreement or an award of a board of arbitrators or the Ontario Municipal Board to pay over to the high school board a fixed annual percentage of the costs of the erection or maintenance of a school or schools,

it is not necessary for the municipality to pay over an amount to the high school board as required by clauses *a* and *b*, but the municipality shall set up a credit of the amounts that would but for this clause have been paid over to the board, which credit shall be used to reduce the levy for the board in the following year. R.S.O. 1960, c. 23, s. 53 (5); 1960-61, c. 4, s. 6; 1968, c. 6, s. 2.

Treasurer's statement

(7) Where taxes are levied under this section, the treasurer shall deliver to each of the bodies entitled to a credit under clause *a* of subsection 6 on or before the 31st day of December in the year in which the taxes were levied a statement sufficient to enable the body to determine the correctness of the credit. R.S.O. 1960, c. 23, s. 53 (6).

Additions to assessment roll

44.—(1) The clerk of the municipality shall, after the return of the assessment roll and on or before the 31st day of December in any year, add to the assessment roll, at the end thereof,

(*a*) the value or increase in value, as the case requires, as certified by the assessment commissioner, of any building as determined by section 27 that after the return of the roll is erected, altered or enlarged and as erected, altered or enlarged is occupied or reasonably fit for occupancy;

(*b*) the value or increase in value, as the case requires, as certified by the assessment commissioner, of any building or land or portion thereof that after the return of the roll ceases to be exempt from taxation or that ceases to be assessed as provided in subsection 3 of section 27; and

(*c*) the name of any person who after the return of the roll commences to occupy or use land for any business purpose mentioned in section 7, and the amount of the business assessment with respect thereto, as certified by the assessment commissioner. R.S.O. 1960, c. 23, s. 54 (1), *amended*.

Amendment to roll

(2) Where real property in any year becomes liable to taxation under subsection 3 of section 43, the clerk of the municipality shall amend accordingly the assessment roll prepared in that year. R.S.O. 1960, c. 23, s. 54 (2).

Notice and appeals

(3) Where an addition or amendment is made to the assessment roll under this section, the assessment commissioner shall, before the assessment is added to the roll or the roll is amended, deliver as provided for notices of assessment in

subsections

subsections 2 and 3 of section 40 to the person assessed a notice setting out the amount of the assessment and, where applicable, the amount of the assessment of real property liable to taxation under subsection 3 of section 43, and the time within which an appeal may be made from such assessment, and the same rights in respect of appeal lie as if the assessment had been made in the usual way, but for the purposes of appeal from an assessment under this section the assessment roll shall be deemed to have been returned on the day such assessment is added to the assessment roll or the roll is amended. R.S.O. 1960, c. 23, s. 54 (3); 1966, c. 10, s. 12 (1), *amended*.

Evidence of delivery of notice

(4) When a notice has been delivered under subsection 3, the assessment commissioner shall enter in the assessment roll, opposite the name of the person, the date of delivery of the notice or shall make one or more certificates to be attached to the roll or to any part of the roll certifying the date or dates upon which the notices were delivered, and the entry, certificate and certificates are *prima facie* evidence of the delivery. 1967, c. 4, s. 4, *amended*.

Last revised assessment roll, what to include

(5) Notwithstanding section 47, where additions or amendments are made to an assessment roll under this section, the last revised assessment roll shall,

(*a*) for the purpose of apportioning a tax levy or fixing and levying the rate of taxation in any year, be deemed to include the assessments added or amended under this section; and

(*b*) for the purpose of equalizing assessments between municipalities in a county, be deemed to include the assessments added under subsection 1. R.S.O. 1960, c. 23, s. 54 (4).

Assessor to make inquiries so as to prevent creation of false votes

45.—(1) To prevent the creation of false votes, where a person claims to be assessed, or to be entered or named in any assessment roll, or claims that another person should be assessed, or entered or named in such assessment roll, as entitled to be a voter, and an assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed or to be entered or named in the roll as entitled to be a voter, such assessor shall make reasonable inquiries before assessing, entering or naming any such person in the assessment roll.

Persons entitled to be assessed, etc., to be entered on roll without request

(2) Any person entitled to be assessed, or to have his name inserted or entered in the assessment roll of a municipality, shall be so assessed or shall have his name so inserted or entered without any request in that behalf, and a person

entitled to have his name so inserted or entered in the assessment roll, or in the list of voters based thereon, or to be a voter in the municipality, has, in order to have the name of any other person entered or inserted in the assessment roll or list of voters, as the case may be, the same right to apply, complain or appeal to a court or a judge in that behalf as such other person would or can have personally, unless such other person actually dissents therefrom.

Penalty for wrongfully inserting names in roll

(3) Any person who wilfully and improperly inserts or procures or causes the insertion of the name of a person in the assessment roll, or assesses or procures or causes the assessment of a person at too high an amount, with intent in any such case to give a person not entitled thereto either the right or an apparent right to be a voter, or who wilfully inserts or procures or causes the insertion of any fictitious name in the assessment roll, or who wilfully and improperly omits, or procures or causes the omission of the name of a person from the assessment roll, or assesses or procures or causes the assessment of a person at too low an amount, with intent in any such case to deprive any person of his right to be a voter, is guilty of an offence and on summary conviction is liable to a fine of not more than $200, or to imprisonment for a term of not more than six months, or to both.

Interpretation R.S.O. 1960, c. 420

(4) In this section, "voter" means voter as defined in *The Voters' Lists Act.* R.S.O. 1960, c. 23, s. 55.

Time for yearly assessment and return of roll

46.—(1) Except as provided in subsection 4, in every municipality the assessment shall be made yearly between the 1st day of January and the 30th day of September and the assessment rolls shall be returned to the clerk not later in the same year than the 1st day of October.

Special mode for assessment by ward or divisions

(2) On or before the 31st day of January in any year the assessment commissioner, in respect of a municipality in his region that is divided into wards or, where there are no wards, divided into not less than ten polling subdivisions, may by order provide that the assessment shall be taken and the assessment roll returned to the clerk by wards or divisions of wards or, where there are no wards, by separate specified groupings of polling subdivisions with each group comprising not less than two polling subdivisions, and the order shall fix separate periods, dates and times for taking the assessment and for the return of the assessment roll, but in no case shall the time named for return of any of the assessment rolls be later than the 1st day of October.

Publication of order

(3) Where the assessment commissioner makes an order under subsection 2, he shall cause such order to be published

not

not later than the 10th day of February in a daily or weekly newspaper that in his opinion has such circulation within the municipality as to provide reasonable notice to persons affected thereby.

Extension of time for return of roll

(4) Where in any year it appears that the assessment roll of a municipality or the assessment roll of any ward, division of a ward or group of polling subdivisions will not be returned to the clerk of the municipality by the 1st day of October, the Minister may extend the time for the return of that assessment roll for such period as appears necessary, provided that, when such an extension is made, the time for closing the Assessment Review Court for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended.

Notice of extension

(5) Where the Minister extends the time for the return of the assessment roll under subsection 4, he shall cause a notice of the extension, specifying the date to which the time has been extended and the final date for commencing an appeal to the Assessment Review Court, to be published in a daily or weekly newspaper that in the opinion of the Minister has such circulation within the municipality as to provide reasonable notice to persons affected thereby.

Time for disposing of appeals

(6) Except as provided in subsection 4, in every municipality the Assessment Review Court shall hear and dispose of all appeals and certify the assessment roll in every year on or before the 30th day of November. R.S.O. 1960, c. 23, s. 56, *amended*.

Last revised assessment roll

47.—(1) The yearly assessment roll of a municipality last returned to the clerk, when corrected, revised and certified by the Assessment Review Court, is for all purposes the last revised assessment roll of the municipality.

Last revised assessment roll where no appeals are made

(2) Where in a municipality no appeals are made to the Assessment Review Court and the time for appealing has elapsed, the assessment roll shall be presented by the clerk to the Assessment Review Court to be certified, and the assessment roll as so certified is for all purposes the last revised assessment roll of the municipality. R.S.O. 1960, c. 23, s. 57 (1-3), *amended*.

Taxation to be levied on last revised assessment roll

(3) In every municipality the rate of taxation for each year shall be fixed and levied on the assessment taken in the preceding year according to the last revised assessment roll thereof.

Taxation on assessment roll as returned

(4) Notwithstanding subsection 3, the council of a municipality may fix and levy the rate of taxation on the assessment taken in the preceding year according to the assessment roll as returned. R.S.O. 1960, c. 23, s. 57 (4, 5).

(5) Nothing in this section in any way deprives any person of any right of appeal provided for in this Act, which may be exercised and the appeal proceeded with in accordance with this Act, notwithstanding that the assessment roll has been certified by the Assessment Review Court and becomes the last revised assessment roll. Rights of appeal preserved

(6) Where, as the result of an appeal or of an action or other proceeding in any court, any assessment is added, reduced, increased or otherwise altered, the taxes levied and payable with respect to such assessment shall be adjusted accordingly and, if the taxes levied have been paid, any overpayment shall be refunded by the municipality. Adjustment of taxes as result of appeal

(7) Where a special Act conflicts with this section, this section prevails. R.S.O. 1960, c. 23, s. 57 (6-8), *amended*. Special Act superseded

48.—(1) Where any land is detached from one municipality and annexed to another municipality after the return of the assessment roll of the latter municipality, the council of the latter municipality shall pass a by-law in the year in which taxation is to be levied on that assessment roll adopting the assessments of the lands annexed, as last revised while they were part of the first-mentioned municipality, as the basis of the assessment of such lands for taxation in that year by the municipality to which the lands are annexed. Assessment of annexed areas

(2) The clerk of the municipality, forthwith after the passing of the by-law under subsection 1, shall deliver or send by registered mail to every person assessed in respect of the lands annexed a notice setting out the amount of the assessment, and the same rights in respect of appeal apply as if the assessment had been made in the usual way notwithstanding that the person assessed did not appeal, or notwithstanding the disposition of any appeal taken, as the case may be, in respect of the assessment while the lands were a part of the municipality from which they became detached. Notice of assessment and appeals

(3) This section does not apply where an annexation order otherwise provides for the assessment of the lands annexed by such order. R.S.O. 1960, c. 23, s. 58. Application where annexation order provides for assessment

49.—(1) Upon completion of the assessment roll, the assessment commissioner shall attach thereto his affidavit or solemn affirmation (Form 1) attesting to his compliance with this Act in the preparation of the assessment roll. Making affidavit

(2) The assessment commissioner shall, on or before the day fixed for the return of the assessment roll, deliver it to the clerk of the municipality completed, with the affidavit or affirmation attached, and the clerk shall immediately upon Roll to be delivered to clerk

receipt

receipt of the roll file it in his office and it shall be open to inspection during office hours.

Omission to attach affidavit

(3) The omission to attach to the assessment roll the affidavit or affirmation required by subsection 1 does not invalidate the roll. R.S.O. 1960, c. 23, s. 59; 1966, c. 10, s. 13, *amended*.

Assessment Review Court established

50.—(1) The Assessment Review Court is established and shall be composed of a chairman and such number of vice-chairmen and other members as the Lieutenant Governor in Council considers advisable, all of whom shall be appointed by the Lieutenant Governor in Council.

Quorum

(2) One member of the Assessment Review Court shall constitute a quorum and is sufficient for the exercise of all of the jurisdiction and powers of the court.

Powers of court

(3) The Assessment Review Court may,

(*a*) administer oaths to witnesses and require them to give evidence under oath;

(*b*) may issue summonses requiring the attendance of witnesses and the production of documents and things;

(*c*) hold sittings at any place in Ontario and in more than one place at the same time.

Enforcement of summons

(4) If any person,

(*a*) on being duly summoned as a witness before the court makes default in attending; or

(*b*) being in attendance as a witness refuses to take an oath legally required by the court to be taken, or to produce any document or thing in his power or control legally required by the court to be produced by him, or to answer any question to which the court may legally require an answer; or

(*c*) does any other thing that would, if the court had been a court of law having power to commit for contempt, have been contempt of that court,

a member of the court may certify the offence of that person under his hand to the High Court, and the High Court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any

statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court.

Rules

(5) Subject to the approval of the Lieutenant Governor in Council, the Assessment Review Court shall make rules governing its practice and procedure and the exercise of its powers.

Meetings of court

(6) The court shall meet and may adjourn from time to time in every municipality in which there is an appeal in respect of any assessment in such municipality to hear and try all complaints in respect of which any person may appeal to the court under this or any other Act.

Registrar and regional registrars

(7) There shall be a registrar of the court and a regional registrar of the court for each assessment region, all of whom shall be appointed by the Lieutenant Governor in Council.

Clerk o court

(8) The regional registrar shall designate a person as clerk of the court for each hearing of the court in his region and the person so designated shall keep in a book to be supplied by the regional registrar a record of the proceedings and decisions of the court which shall be certified by a member of the court who heard the appeal and when so certified shall be forthwith forwarded to the regional registrar. *New.*

Oath of members of court

51. Every member of the Assessment Review Court before entering upon his duties shall take and subscribe the following oath (or affirmation in cases where, by law, affirmation is allowed):

> "I, ..., do solemnly swear (*or* affirm) that I will, to the best of my judgment and ability, and without fear, favour or partiality, honestly decide the appeals to the Assessment Review Court that may be brought before me for trial as a member of the court."

R.S.O. 1960, c. 23, s. 66, *amended*.

Notice of complaint, by person aggrieved

52.—(1) Any person complaining of an error or omission in regard to himself, as having been wrongly inserted in or omitted from the roll or as having been undercharged or overcharged by the assessor in the roll, may personally or by his agent give notice in writing to the assessment commissioner that he considers himself aggrieved for any or all of such causes, and shall give a name and address where notices can be served by the regional registrar of the Assessment Review Court as provided by subsection 4.

by other person

(2) Any person including a municipality or a school board may, within the time limited by subsection 3, give notice in writing to the assessment commissioner complaining that any

other

other person has been assessed too low or too high or has been wrongly inserted or omitted from the roll and shall give a name and address where notices can be served on him by the regional registrar of the Assessment Review Court as provided by subsection 4, and the matter shall be decided in the same manner as complaints by a person assessed with regard to his own assessment.

Time for giving notice

(3) Any notice of complaint under subsection 1 or 2 shall be mailed to the assessment commissioner within fourteen days after the day upon which the roll is required by law to be returned, or within fourteen days after the return of the roll, in case the roll is not returned within the time fixed for that purpose, and the assessment commissioner shall immediately transmit all notices received by him to the regional registrar of the Assessment Review Court.

Notice of hearing

(4) The regional registrar of the Assessment Review Court shall give to the clerk of the municipality and to all persons complaining or in respect of whom a complaint has been made under subsection 1 or 2 notice of any hearing by the Assessment Review Court at least fourteen days before the date fixed for the hearing in the following form:

Take notice that the Assessment Review Court will sit at .....on the.....day of..... in the matter of a complaint.
The complaint has been made by.....
and states that.....

(Signed)
Regional Registrar.

Publication of first sitting of court

(5) The regional registrar of the Assessment Review Court shall advertise in a newspaper having general circulation in the municipality the time and place at which the court will hold its first sitting for the year, and the advertisement shall be published at least fourteen days before the time for such first sitting.

Service of notice

(6) The regional registrar of the Assessment Review Court shall cause any notice under this section to be left at the person's residence or place of business or to be sent by mail addressed thereto.

Preliminary explanation

(7) Where value is a ground of a complaint that is proceeded with, at the commencement of the hearing of the complaint by the court, the assessor shall explain the manner in which the assessment has been arrived at and the complainant shall explain the nature of his complaint.

Determination by court

(8) After hearing the assessor and the complainant where required and any evidence adduced, the court shall determine the matter and in all complaints involving value shall determine the amount of the assessment.

Written reasons

(9) Where the court is requested during the hearing by a party to the proceedings to deliver reasons for its decision, the court shall give written reasons for its decision.

Adding party

(10) Where at any time during the hearing by the court it appears that any other person should be a party to the hearing, the court shall adjourn in order to give such person notice of the hearing.

When to proceed *ex parte*

(11) If any party fails to appear, either in person or by an agent, the court may proceed *ex parte*.

Correction of errors

(12) Where it appears that there are palpable errors in the roll of any municipality that need correction, the court may at any time during its sitting correct the roll if no alteration of assessed values is involved, and, if any alteration of assessed value is necessary, the court may extend the time for making complaints for ten days from a day named by the court and may then meet and determine the additional matter complained of, and the assessor may be or may be directed by the court to be the complainant for such purpose.

Alteration of roll by clerk

(13) The decision of the Assessment Review Court shall be forwarded by the regional registrar to the clerk of each municipality and the clerk of the municipality shall forthwith,

(*a*) alter the assessment roll in accordance with the decisions of the court and shall write his name or initials against every alteration, and shall complete the roll by totalling the amounts of the assessments therein and inserting such total; or

(*b*) where data processing equipment is used, may, as an alternative to complying with clause *a*, forthwith cause to be prepared a new assessment roll which shall include all changes made by the court, and shall initial each entry in which a change has been made by the court and shall complete the roll by totalling the amounts of the assessments therein and inserting such total.

Notice of decision

(14) When the Assessment Review Court has heard and decided a complaint, the regional registrar shall within fourteen days of the making of the decision cause notice thereof to be given,

(*a*) where the appeal was as to the amount of the assessment, by registered mail; and

(*b*) in the case of all other appeals, by ordinary mail,

to the persons to whom notice of the hearing of such appeal was given, and such notice shall state thereon that such decision may be appealed to the county judge within fourteen days of the mailing of the notice and shall also contain a list of the persons to whom notice was given under subsection 4. R.S.O. 1960, c. 23, s. 72, *amended*.

Roll to be binding notwithstanding errors in it or in notice sent to persons assessed

53. The roll as finally revised and certified by the Assessment Review Court shall, subject to subsections 5 and 6 of section 47, be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or misstatement in the notice required by section 40 or the omission to deliver or transmit such notice, provided that the provisions of this section in so far as they relate to the omission to deliver or transmit such notice do not apply to any person who has given the assessment commissioner the notice provided for in subsection 4 of section 40. R.S.O. 1960, c. 23, s. 73, *amended*.

Copy of roll duly certified to be evidence

54. A copy of any assessment roll, or portion of any assessment roll, written or printed, and certified to be a true copy by the clerk of the municipality, shall be received as *prima facie* evidence in any court without proof of the signature or the production of the original assessment roll of which such certified copy purports to be a copy, or a part thereof. R.S.O. 1960, c. 23, s. 74.

Appeal to county judge

55.—(1) An appeal to the county judge lies, at the instance of the municipal corporation or a school board, or at the instance of the assessment commissioner, or at the instance of any person assessed or of any municipal elector of the municipality, not only against a decision of the Assessment Review Court on an appeal to that court, but also against any omission, neglect or refusal of that court to hear or decide an appeal. R.S.O. 1960, c. 23, s. 75 (1); 1961-62, c. 6, s. 7, *amended*.

Notice of appeal

(2) The person appealing shall, within fourteen days of the mailing of the notice under subsection 14 of section 52, personally or by his agent give notice in writing to the assessment commissioner and to the persons to whom notice was given under such subsection 14 of his intention to appeal to the county judge and the assessment commissioner shall immediately transmit all notices to the regional registrar of the Assessment Review Court. R.S.O. 1960, c. 23, s. 75 (2), *amended*.

Day and place for hearing

(3) The regional registrar shall, immediately after the time limited for filing appeals, forward a list thereof to the judge who shall then notify the regional registrar of the day he appoints for the hearing thereof and shall, if in his opinion the appeals or any of them appear to involve the calling or examination of witnesses, fix the place for holding such court within the municipality where the assessment roll is in question, or at the place nearest thereto where the sittings of the division court within his jurisdiction are held.

Regional registrar to notify parties

(4) The regional registrar shall thereupon give notice to all the appellants and all the persons appealed against in the same manner as is provided for giving notice on a complaint under section 52, but in the event of failure by the regional registrar to have the required service of the notices in any appeal made, or to have the service made in proper time, the judge may direct service to be made for some subsequent day upon which he may sit.

List of appellants, etc., to be posted up by regional registrar

(5) The regional registrar shall cause a notice to be posted up in a conspicuous place in the office of the clerk of the municipality, or the place where the council of the municipality holds its sittings, containing the names of all the appellants and persons appealed against, with a brief statement of the ground or cause of appeal, together with the date at which the court will be held to hear appeals.

Clerk of court

(6) The clerk of the Assessment Review Court is the clerk of the court, and he shall keep, in the book referred to in section 50, a record of the decision of the judge upon each appeal, which shall be certified by the judge and when so certified shall be forwarded to the regional registrar.

When appeals to be determined

(7) At the court so held, the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but so that, subject to any special Act affecting a particular municipality, all appeals are determined not later than the 30th day of January in the year following that in which the appeals were made. R.S.O. 1960, c. 23, s. 75 (4-8), *amended*.

Extension of time for determination of appeals

(8) Where in any year the time for closing the Assessment Review Court in a municipality is extended under subsection 4 of section 46, the time for the judge to determine appeals is correspondingly extended.

Where judge dies or is incapable of hearing appeal

(9) Where the judge dies or becomes incapable before hearing an appeal or determining an appeal, the regional registrar shall forthwith notify in writing the succeeding

judge

judge or acting judge of the appeal and such judge shall hear and determine such appeal, and the time for determining the appeals under subsection 7 does not apply.

Subpoena

(10) A subpeona to compel the attendance of any witness required before the county judge upon any appeal under this Act may be issued by the clerk of the county court of the county in which is situated the municipality whose assessment roll is in question, and the subpoena shall be tested as are other subpoenas issued out of the county court of the county in actions therein and may be entitled as is provided in section 58. R.S.O. 1960, c. 23, s. 75 (11-13), *amended*.

Assessment roll to be produced to the court

56. At the court to be held by the county judge to hear the appeals hereinbefore provided for, the person having charge of the assessment roll certified by the Assessment Review Court shall appear and produce such roll and all papers and writings in his custody connected with the matter of the appeal. R.S.O. 1960, c. 23, s. 76, *amended*.

Powers of judge sitting in appeal from Assessment Review Court

57.—(1) In all proceedings before the county judge under or for the purposes of this Act, the judge possesses all such powers for compelling the attendance of and for the examination on oath of all parties, whether claiming or objecting or objected to, and of all other persons, and for the production of books, papers, rolls and documents, and for the enforcement of his orders, decisions and judgments, as belong to or might be exercised by him in the county court.

Appeal to county judge where question of fact involved

(2) The hearing of the appeal by the county judge shall, where questions of fact are involved, be in the nature of a new trial, and either party may adduce further evidence in addition to that heard before the Assessment Review Court, subject to any order as to costs or adjournment that the judge may consider just. R.S.O. 1960, c. 23, s. 77, *amended*.

Style of proceedings

58. All process or other proceedings by way of appeal may be entitled as follows:

In the Matter of Appeal from the Assessment Review Court in respect of the.....of.....

....., Appellant,

and

....., Respondent.

and they need not be otherwise entitled. R.S.O. 1960, c. 23, s. 78, *amended*.

Costs, payment of

59. The costs of any proceeding before the Assessment Review Court or the judge shall be paid by or apportioned between the parties in such manner as the court or judge

considers

considers proper, and where costs are ordered to be paid, the order for payment thereof may be filed in any division court having jurisdiction in the municipality and is enforceable as a judgment or order of such court. R.S.O. 1960, c. 23, s. 79, *amended*.

What costs chargeable

60. The costs chargeable or to be awarded in any case may be the costs of witnesses and of procuring their attendance, and none other, and shall be taxed according to the allowance in the division court for such costs, and, in cases where execution issues, the costs thereof as in the like court, and of enforcing the execution, may also be collected thereunder. R.S.O. 1960, c. 23, s. 80.

Expenses of county judges on assessment appeals

61. County court judges are entitled to receive from the several municipalities as their expenses for holding courts in such municipalities other than the county town of the county in which the judge resides, for the purpose of hearing appeals from the Assessment Review Court under this Act, the same sums as they are allowed for holding courts for revising voters' lists. R.S.O. 1960, c. 23, s. 81, *amended*.

Alteration of roll by clerk

62.—(1) The decision of the judge shall be forwarded by the regional registrar to the clerk of the municipality who shall forthwith alter the assessment roll in accordance with the decisions of the judge, and shall write his name or initials against every alteration.

Notice of decision

(2) When the judge has heard and decided an appeal, the regional registrar shall, within fourteen days after receipt of the record of the decision from the clerk of the court, cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing was given and such notice shall state thereon that such decision may be appealed to the Ontario Municipal Board within fourteen days of the mailing of such notice. R.S.O. 1960, c. 23, s. 82, *amended*.

Appeals to O.M.B.

63.—(1) The municipal corporation, a school board, the assessment commissioner, any person assessed and any person who has filed a complaint under subsection 2 of section 52 may appeal from the decision of the county judge to the Ontario Municipal Board. R.S.O. 1960, c. 23, s. 83 (1); 1961-62, c. 6, s. 8, *amended*.

Appeal under s. 42, 44, 70 or 71

(2) An appeal also lies to the Ontario Municipal Board from a decision of the county judge under section 42, 43, 44, 70 or 71. R.S.O. 1960, c. 23, s. 83 (2), *amended*.

Appeals to O.M.B.

(3) Where an assessment is in an amount of $50,000 or more or has been increased by the Assessment Review Court

to

to an amount of $50,000 or more and where no appeal is taken to the county judge, an appeal shall also lie to the Ontario Municipal Board from a decision of the Assessment Review Court in the same manner as an appeal under subsection 1 or 2. 1966, c. 10, s. 15 (1), *amended*.

Provisions applicable to appeals, powers of O.M.B.

(4) Except as provided in subsections 5 and 7, sections 55 to 59 and section 64 apply to appeals taken under subsection 1 or 2, and on such appeals the Ontario Municipal Board has the powers and duties of a county judge under such sections. R.S.O. 1960, c. 23, s. 83 (3).

Notice of appeal

(5) A notice of appeal to the Ontario Municipal Board under subsection 1 or 2 shall, within twenty-one days after notice of the decision appealed from has been given under subsection 2 of section 62, be sent by the party appealing by registered mail to the secretary of the Board and to the persons to whom notice of the hearing before the judge was given. R.S.O. 1960, c. 23, s. 83 (4); 1966, c. 10, s. 15 (2), *amended*.

Notice of appeal under subs. 3

(6) A notice of appeal to the Ontario Municipal Board under subsection 3 shall, within twenty-one days after notice of the decision appealed from has been given under subsection 14 of section 52, be sent by the party appealing by registered mail to the secretary of the Board and to the persons to whom notice of the hearing before the Assessment Review Court was given. 1966, c. 10, s. 15 (3), *amended*.

Notice of hearing

(7) Upon receipt of a notice of appeal under this section, the secretary of the Ontario Municipal Board shall arrange a time and place for hearing the appeal and shall send notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing.

Appeal from O.M.B. to Court of Appeal in certain matters

(8) An appeal lies from the decision of the Ontario Municipal Board under this section to the Court of Appeal upon all questions of law or the construction of a statute, a municipal by-law, any agreement in writing to which the municipality concerned is a party, or any order of the Board.

Procedure on appeals

(9) The practice and procedure on the appeal to the Court of Appeal shall be the same *mutatis mutandis*, subject to any rule of the court or regulation of the Ontario Municipal Board, as upon an appeal from a county court.

Alteration in roll as result of appeal from O.M.B.

(10) If, by the decision of the Ontario Municipal Board or by the judgment of the Court of Appeal, it appears that any alteration should be made in the assessment roll respecting the assessment in question, the clerk of the municipality

concerned shall alter the assessment roll to give effect to the decision or judgment and shall write his name or initials against every alteration. R.S.O. 1960, c. 23, s. 83 (5-8).

Assessment may be open upon appeal

64.—(1) Upon an appeal on any ground against an assessment, the Assessment Review Court, county judge or Ontario Municipal Board hearing an appeal under section 63, or the Court of Appeal, as the case may be, may reopen the whole question of the assessment so that omissions from, or errors in the assessment roll may be corrected, and the amount for which the assessment should be made, and the person or persons who should be assessed therefor may be placed upon the roll, and if necessary the roll of the municipality, even if returned as finally revised, may be opened so as to make it correct in accordance with the findings made on appeal.

Reference to other lands in municipality

(2) In determining the value at which any land shall be assessed, reference may be had to the value at which lands in the municipality are assessed. R.S.O. 1960, c. 23, s. 86, *amended.*

Powers and functions of Assessment Review Court, county judge, O.M.B.

65.—(1) Upon a complaint or appeal with respect to an assessment, the Assessment Review Court, county judge or Ontario Municipal Board may review the assessment and, for the purpose of such review, has all the powers and functions of the assessor in making an assessment, determination or decision under this Act, and any such assessment, determination or decision made on review by the Assessment Review Court, county judge or Ontario Municipal Board shall, except as provided in subsection 2, be deemed to be an assessment, determination or decision of the assessor and has the same force and effect.

Decision re quantum, etc., final

(2) A decision of the Assessment Review Court, county judge or Ontario Municipal Board with regard to persons alleged to be wrongfully placed upon or omitted from the assessment roll or assessed at too high or too low a sum is final and binding unless appealed in accordance with the provisions of this Act.

Purpose of provisions re appeals

(3) For greater certainty, it is hereby declared that the provisions of sections 52, 55 and 63 respecting appeals are intended to establish machinery for the review of an assessment for the purpose of ensuring the administrative integrity of the assessment roll, and, except as provided in subsection 2, such provisions shall not be deemed to affect the right of any person to apply to a superior, county or district court for a judicial determination of any question relating to an assessment. 1960-61, c. 4, s. 12, *part, amended.*

66.

Application to court by originating notice

66.—(1) The municipal corporation, assessment commissioner or any person assessed may apply by originating notice to the Supreme Court or to the county court of the county in which the assessment is made for the determination of any question relating to the assessment, except a question as to persons alleged to be wrongfully placed upon or omitted from the assessment roll or assessed at too high or too low a sum.

Service of notice

(2) The persons to be served with notice under this section shall be the persons assessed in respect of the property relating to the assessment, the assessment commissioner and the clerk of the municipality affected by the assessment.

Time for notice

(3) No originating notice shall be commenced except within the times for commencing an action or other proceeding set forth in section 67.

Appeal to Court of Appeal

(4) An appeal lies to the Court of Appeal from the judgment of the Supreme Court or from the judgment of the county court.

Final revision of roll not to be delayed, alteration of roll on Court of Appeal judgment

(5) The appeal from any judgment made by the Supreme Court or by a county court on an originating notice given pursuant to this section or the hearing or argument or other proceedings thereon shall not delay the final revision of the assessment roll, but, if by the judgment of the Court of Appeal it appears that any alteration should be made in the assessment roll respecting the assessment in question, the clerk of the municipality shall cause the proper entries to be made in the assessment roll to give effect to the judgment on the originating notice or on appeal therefrom.

Judgment of court binding on Assessment Review Court, etc.

(6) Notwithstanding that a question of the assessment of any person is pending before the Assessment Review Court, a judge of the county court or the Ontario Municipal Board, the judgment of the Supreme Court, the county court or the Court of Appeal shall be given effect to and is binding upon the Assessment Review Court, the judge of the county court and the Ontario Municipal Board. 1960-61, c. 4, s. 12, *part*, *amended*.

Limitation of actions in court

67. No action or other proceeding, except an action or other proceeding brought by or on behalf of a municipality for the collection of arrears of taxes, shall be brought in court with respect to an assessment or taxes based thereon,

(*a*) except within sixty days after the day upon which the assessment roll is required by law to be returned, or within sixty days after the return of the roll, in case the roll is not returned within the time fixed for that purpose;

(*b*) where a complaint with respect to the assessment is made to the Assessment Review Court, except within the time limited for appealing from the decision of the Assessment Review Court to the county court judge;

(*c*) where an appeal is made from the decision of the Assessment Review Court to the county court judge, except within the time limited for appealing from the decision of the county court judge to the Ontario Municipal Board; and

(*d*) where an appeal is made from the decision of the county court judge to the Ontario Municipal Board, except within fifteen days after the date of the decision of the Ontario Municipal Board,

provided, where an appeal is made to the Court of Appeal, no action or other proceeding shall be brought in any other court with respect to the assessment. R.S.O. 1960, c. 23, s. 88; 1960-61, c. 4, s. 13, *amended*.

Alteration of roll as result of judgment

68. Where any part of an assessment is declared invalid or in error by the Supreme Court or a county court, the whole assessment is not thereby invalidated and the court may direct that the assessment roll be altered in accordance with its judgment and the clerk of the municipality concerned shall so alter the roll and shall write his name or initials against every alteration. R.S.O. 1960, c. 23, s. 89.

Defence limited in actions to collect taxes, etc.

69. No matter that could have been raised by way of complaint to the Assessment Review Court or in an action or other proceeding with respect to an assessment in a court within the times limited for bringing such complaint, action or other proceeding under this Act shall be raised by way of defence in any action or other proceeding brought by or on behalf of a municipality. R.S.O. 1960, c. 23, s. 90, *amended*.

Revision of business assessment roll on alteration of real property assessment

70. Where the assessment of any real property is altered on an appeal or in an action, any business assessment based on the assessed value of such real property shall be altered in the business assessment roll by the clerk of the municipality to conform with the altered real property assessment, whether or not the business assessment roll has been finally revised. R.S.O. 1960, c. 23, s. 91.

Equalization factor

71.—(1) The Department in each year shall prepare an equalization factor in relation to the assessment made in the preceding year for each municipality and locality.

(2)

Notice of factor

(2) Each municipality and locality shall be notified of its respective equalization factor and the equalization factor prepared in each year for each municipality and locality shall be published in *The Ontario Gazette* in such year not later than the 1st day of July.

Appeal to O.M.B.

(3) If any municipality or locality is not satisfied with the latest equalization factor as published by the Department, the municipality or locality may appeal by notice in writing to the Ontario Municipal Board from the decision of the Department at any time within thirty days after the publication in *The Ontario Gazette* of the equalization factor or after the notification to the municipality or locality, whichever is the later date, and the Board shall dispose of the appeal before the 1st day of January next after the appeal.

Appeal to Court of Appeal

(4) An appeal lies to the Court of Appeal on any question of law or the construction of a statute from the decision of the Ontario Municipal Board in an appeal under subsection 3.

Amendment of factor

(5) Where any appeal is allowed in respect of an equalization factor, the Department shall amend the equalization factor as published to accord with the decision or judgment of the Ontario Municipal Board or the Court of Appeal, as the case may be. *New.*

Equalization by assessment commissioner

72. On or before the 1st day of September in each year, the assessment commissioner shall revise the assessment, made in the previous year, of each municipality in his region for the purpose of county rates by the application of the equalization factor in relation to such assessment as prepared by the Department under section 71, and the assessment as so revised is the equalized assessment for the purposes of this and every other Act. *New.*

Apportionment of county rates, how to be based

73.—(1) The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, subject to subsections 2 and 3, in order that such rate may be assessed equally on the whole rateable property of the county, make the equalized assessments of the municipalities as determined in the preceding year under section 72 the basis upon which the apportionment is made. R.S.O. 1960, c. 23, s. 98 (1), *amended.*

Assessment equivalent of mining revenue payments to be added to aggregate valuations

(2) Where, in the year preceding the year in which an apportionment is made, a mining municipality has received or becomes entitled to a payment under the regulations made under section 28, an amount shall be calculated by,

(*a*) multiplying the part of such payment computed under paragraph 1 of subsection 9 of section 28 that

was credited to the general funds of the municipality by 1000; and

(*b*) dividing the product obtained under clause *a* by the aggregate of the mill rates for general and county purposes levied in that year by the municipality on the types of assessments mentioned in clauses *a*, *b*, and *c* of subsection 2 of section 294 of *The Municipal Act*; and R.S.O. 1960, c. 249

(*c*) increasing or decreasing the quotient obtained under clause *b* by the same percentage, if any, as the assessment of such municipality made in that year was increased or decreased under section 72,

and, for the purpose of county rates, the amount obtained under this subsection shall be added to the equalized assessment of the municipality. 1961-62, c. 6, s. 11, *part*, *amended*.

Valuations on which payments in lieu of taxes paid to be added to equalized assessment

(3) Where, in the year preceding the year in which an apportionment is made, a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under an agreement with the Government of Canada authorized by *The Municipal Act* to relieve a tenant or user of land owned by the Crown from taxes or payment for municipal services or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, except payments received under section 13 of *The Ottawa River Water Powers Act, 1943*, the valuations of the properties for which such payments are made shall be increased or decreased by the same percentage, if any, as the assessment of such municipality made in that year was increased or decreased under section 72, and for the purpose of county rates the amount so obtained shall also be added to the equalized assessment of the municipality. 1961-62, c. 6, s. 11, *part*; 1962-63, c. 7, s. 11 (1), *amended*. R.S.O. 1960, c. 249; 1943, c. 21

Idem

(4) Where payment in lieu of taxes from the Crown in right of Canada has been reduced by deductions made under the *Municipal Grants Act* (Canada), the valuations of the properties for which such payments are made shall, for the purposes of subsection 3, be reduced in the same proportion as the amount of the grants were reduced. 1962-63, c. 7, s. 11 (2). R.S.C. 1952, c. 182

Where boundaries changed or new municipality erected

74.—(1) Where in any year boundaries of municipalities are changed or a new municipality is erected within a county and the assessment rolls for the next preceding year do not conform to the new boundaries or there is no assessment roll

of

of the new municipality, the county council shall, by examining or causing to be examined the rolls of the municipality or municipalities from which an area has been severed or the municipality or municipalities of which or part of which the new municipality was formed, ascertain to the best of its judgment what part of the assessment of the municipality or municipalities from which an area has been severed or of which or part of which the new municipality was formed relates to the new municipality or municipalities to which an area was annexed or to the new municipality, and their several shares of the county tax shall be apportioned accordingly. R.S.O. 1960, c. 23, s. 99 (1).

Where land separated from a county

(2) Where the assessment commissioner, under section 72, has prepared an equalized assessment on which the rates for county purposes for the succeeding year are to be based and apportioned, and any municipality in the county, or any part thereof, thereafter ceases to form part of the county for municipal purposes, the assessment commissioner shall adjust the equalized assessment by deducting therefrom that portion pertaining to the municipality, or part thereof, that has ceased to form part of the county, in order that the rates for county purposes for such succeeding year may be based and apportioned on the remainder of the equalized assessments. R.S.O. 1960, c. 23, s. 99 (2), *amended*.

Equalization of assessments in districts

75. The Minister may order an assessment commissioner for any region in one or more territorial districts to equalize the assessments of the municipalities and localities for which he has been appointed assessment commissioner by the application of the equalization factors in relation to such assessments provided by the Department under section 71. *New*.

Cancellations, reductions, refunds, etc., of taxes

76.—(1) An application to the Assessment Review Court for the cancellation, reduction or refund of taxes levied in the year in respect of which the application is made may be made by any person,

(*a*) in respect of real property liable to taxation at the rate levied under subsection 2 of section 294 of *The Municipal Act* that has ceased to be real property that would be liable to be taxed at such rate; or

(*b*) in respect of real property that has become exempt from taxation during the year or during the preceding year after the return of the assessment roll; or

(*c*) in respect of a building that was razed by fire, demolition or otherwise during the year or during the preceding year after the return of the assessment roll; or

(*d*) who is unable to pay taxes because of sickness or extreme poverty; or

(*e*) who is overcharged by reason of any gross or manifest error; or

(*f*) liable for business tax who has not carried on business for the whole year, except where the business was intended to be or was capable of being carried on during a part of the year only, or was not carried on for a period of less than three months during the year by reason of repairs to or renovations of the premises in which the business was carried on. R.S.O. 1960, c. 23, s. 131 (1); 1965, c. 6, s. 9 (1), *amended*.

Time for making application

(2) The application may be made at any time during the year in respect of which the application is made and until the 28th day of February in the following year and notice in writing of the application shall be given to the clerk of the municipality who shall immediately transmit the notice to the regional registrar.

Application by clerk

(3) Where any person who is entitled to apply for the cancellation, reduction or refund of taxes under clause *e* or *f* of subsection 1 fails to apply, the clerk of the municipality may apply in his stead and the provisions of this section apply *mutatis mutandis* to such application.

Powers of Assessment Review Court

(4) The Assessment Review Court, subject to such restrictions and limitations as are contained in this section, may reject the application or,

(*a*) where the taxes have not been paid, cancel the whole of the taxes or reduce the taxes; or

(*b*) where the taxes have been paid in full, order a refund of the whole of the taxes or any part thereof; or

(*c*) where the taxes have been paid in part, order a refund of the whole of the taxes paid or any part thereof and reduce or cancel the portion of the taxes unpaid.

Hearing and disposition

(5) The Assessment Review Court shall hear and dispose of every application not later than the 31st day of March in the year following the year in respect of which the application is made and the regional registrar shall thereupon cause notice of the decision in such application to be given by mail to the persons to whom notice of the hearing of such application was

given

given and such notice shall state thereon that such decision may be appealed to the county judge within fourteen days of the mailing of such notice.

Appeals

(6) An appeal may be had to the county judge by the applicant or the municipality from the decision of the Assessment Review Court or where the Assessment Review Court has omitted, neglected or refused to hear or dispose of an application under this section, and such appeal shall be a hearing *de novo*.

Notice of appeal

(7) The person appealing shall personally or by his agent give notice in writing to the clerk of the municipality, within fourteen days after notice of the decision of the Assessment Review Court has been given by the regional registrar under subsection 5, of his intention to appeal to the county judge, provided that where the municipality appeals it shall give such notice in writing to all persons interested in accordance with this subsection.

Occupant may be required to pay part of taxes

(8) Where a person makes application for the cancellation, reduction or refund of taxes in respect of business assessment or assessment under subsection 3 of section 7, the Assessment Review Court, on notice to any person who occupied the premises and carried on business for the whole or any part of the period in respect of which the application is made, may direct that a proper proportion of the taxes be levied against such person for the time during which such person was in occupation although the name of such person does not appear on the assessment roll in respect of such premises, and in determining the amount payable regard shall be had to the nature of the business carried on. R.S.O. 1960, c. 23, s. 131 (2-8), *amended*.

Idem

(9) A cancellation, reduction or refund under clause *b* of subsection 1 shall be for a proportionate part of the taxes based on the number of months in the year during which the exemption existed. R.S.O. 1960, c. 23, s. 131 (11).

Idem

(10) A cancellation, reduction or refund under clause *c* of subsection 1 shall be for a proportionate part of the taxes levied on the building assessment based on the number of months in the year or years after the building was razed in respect of which taxes were levied. 1960-61, c. 4, s. 18.

Application for increase of taxes where gross error

77.—(1) An application may be made by or on behalf of the municipal corporation to the Assessment Review Court for an increase in the taxes levied in the year in which the application is made with respect to any person who is undercharged by reason of any gross or manifest error by filing notice of the application with the regional registrar.

Notice of application

(2) Notice of the application shall be given by mail by the regional registrar to the applicant and to the person with respect to whom application is made not less than fourteen days before the date upon which the application is to be dealt with by the court.

Powers of court

(3) The Assessment Review Court may reject the application or may increase the taxes to the correct amount, and the amount of the increase, subject to subsection 5, is collectable as if it had been originally levied and demanded.

Notice of decision

(4) Forthwith after the Assessment Review Court makes its decision, the regional registrar shall cause notice thereof to be given by mail to the person with respect to whom the application was made and such notice shall state thereon that the decision may be appealed to the county judge within ten days of the mailing of such notice.

When increase payable

(5) The amount of any increase in taxes is not payable until ten days after the mailing of the notice under subsection 4 or, if an appeal is made to the county judge until ten days after the decision of the county judge, and is not subject to any penalties applicable to taxes that are overdue and unpaid until such amount is payable.

Appeal

(6) An appeal may be had to the county judge by the applicant or by the person with respect to whom the application was made from the decision of the Assessment Review Court or where the Assessment Review Court has omitted, neglected or refused to hear or dispose of an application under this section, and such appeal shall be a hearing *de novo*.

Notice of appeal

(7) The appellant shall personally or by his agent give notice in writing to the clerk of the municipality and to the assessment commissioner or to the person with respect to whom the application was made, as the case may be, within ten days of the mailing of the notice under subsection 4, of his intention to appeal to the county judge.

When application not to be dealt with

(8) The Assessment Review Court shall not deal with an application under this section if a certificate with respect to current taxes has been issued by the tax collector under *The Municipal Act* before the mailing of the notice of application under subsection 2. R.S.O. 1960, c. 23, s. 132, *amended*.

R.S.O. 1960, c. 249

Disclosure of information

78.—(1) Every assessment commissioner or assessor or any person in the employ of a municipality who in the course of his duties acquires or has access to information furnished by any person under section 13 or 14 that relates in any way to the determination of the value of any real property or the amount of assessment thereof or to the determination of the

amount

amount of any business assessment, and who wilfully discloses or permits to be disclosed any such information not required to be entered on the assessment roll to any other person not likewise entitled in the course of his duties to acquire or have access to the information, is guilty of an offence and on summary conviction is liable to a fine of not more than $200, or to imprisonment for a term of not more than six months, or to both.

Exception

(2) This section does not prevent disclosure of such information by any person when being examined as a witness in an assessment appeal or in an action or other proceeding in a court or in an arbitration. R.S.O. 1960, c. 23, s. 216.

Right of action for damages against officer

79. In addition to the penalties and punishments provided for by this Act for a contravention of the provisions thereof, the person guilty of such contravention is liable to every person who is thereby injured for the damages sustained by such person by reason of such contravention. R.S.O. 1960, c. 23, s. 242.

By-laws and agreements fixing assessment or granting exemption from taxation not affected

80. This Act does not affect the terms of any agreement made with a municipal corporation, or any by-law heretofore or hereafter passed by a municipal council under any other Act for fixing the assessment of any property, or for commuting or otherwise relating to municipal taxation, but whenever in any Act of the Legislature or by any proclamation of the Lieutenant Governor in Council or by any valid by-law of a municipality heretofore passed or by any valid agreement heretofore entered into the assessment of the real and personal property of any person in a municipality is fixed at a certain amount for a period of years, unexpired at the time of the coming into force of this Act, or the taxes payable annually by any person in respect of the real and personal property are fixed at a stated amount during any such period, or the real and personal property of any person or any part thereof is exempt from municipal taxation in whole or in part for any such period, such fixed assessment or commutation of taxes or exemption shall be deemed to include any business assessment or other assessment and any taxes thereon in respect of the property or business mentioned in such Act, proclamation, by-law or agreement to which such person or the property of such person would otherwise be liable under this Act. R.S.O 1960, c. 23, s. 243.

Computation of time for proceedings where time limited expires on Saturday

81. Where the municipal offices in a municipality are closed on Saturday and the time limited for any proceeding or for the doing of any things in such municipal offices under this Act expires or falls upon a Saturday, the time so limited shall extend to and the thing may be done on the day next following that is not a holiday. R.S.O. 1960, c. 23, s. 246.

82.—(1) All by-laws passed under the provisions of subsection 1 of section 130 of *The Assessment Act*, being chapter 23 of the Revised Statutes of Ontario, 1960, providing for taking the assessment of business separately from the time for taking the assessment of real property and in the same year in which the rates of taxation thereon are to be levied, continue in force until repealed and where any such by-law is repealed the assessment of business for the year in which the by-law is repealed shall be made and levied upon in that year and in that year and in each subsequent year the assessment of business shall be made together with the assessment of real property for taxation in the following year. By-laws providing for business assessment in current year continued until repealed

(2) The Minister may by order repeal any such by-law. *New.* Repeal of by-law

83. The following are repealed: Repeal

1. *The Assessment Act.* R.S.O. 1960, c. 23
2. *The Assessment Amendment Act, 1960-61.* 1940-61, c. 4
3. *The Assessment Amendment Act, 1961-62.* 1961-62, c. 6
4. *The Assessment Amendment Act, 1962-63.* 1962-63, c. 7
5. *The Assessment Amendment Act, 1964.* 1964, c. 4
6. *The Assessment Amendment Act, 1965.* 1965, c. 6
7. *The Assessment Amendment Act, 1966.* 1966, c. 10
8. *The Assessment Amendment Act, 1967.* 1967, c. 4
9. *The Assessment Amendment Act, 1968.* 1968, c. 6
10. Sections 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 of *The Municipality of Metropolitan Toronto Act* are repealed. R.S.O. 1960, c. 260, ss. 25-34
11. Section 35 of *The Municipality of Metropolitan Toronto Act*, as amended by section 6 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, is repealed. R.S.O. 1960, c. 260, s. 35
12. Section 36 and subsection 1 of section 37 of *The Municipality of Metropolitan Toronto Act* are repealed. R.S.O. 1960, c. 260, s. 36, 37 (1)
13. Sections 28, 29, 30, 31, 32, 34, 35, 36 and 37 of *The Regional Municipality of Ottawa-Carleton Act, 1968*, are repealed. 1968, c. 115, ss. 28-32, ss. 34-37

84.

References to court of revision in other Acts R.S.O. 1960, c. 223 1962-63, c. 39

84.—(1) Where in any general or special Act, except *The Local Improvement Act* and *The Drainage Act, 1962-63*, reference is made to a court of revision, such reference shall be deemed to be a reference to the Assessment Review Court established under this Act.

Provisions authorizing courts of revision in other Acts repealed

(2) Notwithstanding any general or special Act, any provision in any Act, except *The Local Improvement Act* and *The Drainage Act, 1962-63*, as to the constitution of a court of revision is repealed. *New.*

Procedure on appeals re assessments, etc., made prior to 1970

85. Notwithstanding any general or special Act, all proceedings by way of appeal in respect of an assessment on any assessment roll made before the year 1970 or an application for a cancellation, reduction or refund of taxes for the year 1969 shall be taken up and continued under and in conformity with the provisions of *The Assessment Act*, being chapter 23 of the Revised Statutes of Ontario, 1960. *New.*

Assessment of machinery for producing power

86. Notwithstanding any general or special Act, all machinery and equipment used for producing power for sale is liable to assessment for the percentage of the amount at which it is valued under this Act as follows:

1. In the year 1970 for taxation in the year 1971 at 80 per cent.
2. In the year 1971 for taxation in the year 1972 at 60 per cent.
3. In the year 1972 for taxation in the year 1973 at 40 per cent.
4. In the year 1973 for taxation in the year 1974 at 20 per cent. *New.*

Assessment of concentrators and smelters in 1969

87.—(1) Notwithstanding any Act, a concentrator or smelter of ore or metals is liable to assessment in 1969 and liable to taxation in 1970 and every person occupying or using land for the purpose of or in connection with the business of a concentrator or smelter of ore or metals shall be assessed for a sum to be called business assessment equal to 60 per cent of the assessed value of the land occupied or used by him for such business and the assessment of any such concentrator or smelter and such business assessment shall be added to the assessment roll prepared in the year 1969 and the provisions of section 54 of *The Assessment Act* apply *mutatis mutandis*.

R.S.O. 1960, c. 23

Concentrating or smelting deemed manufacturing

(2) For the purposes of this section, the concentrating or smelting of ore or metals is deemed to be manufacturing. *New.*

88.

88. Where the council of a county has appointed a county assessment commissioner under section 93*a* of *The Assessment Act* and has passed a by-law under clause *b* of subsection 1 of section 94 of that Act, notwithstanding *The Assessment Act* or any other general or special Act, such by-law is valid and binding for all purposes and any appeal from the action of the county council under such clause *b* of subsection 1 of section 94, if made within the time and in the manner required by section 96 of *The Assessment Act*, shall be heard and determined by the Ontario Municipal Board as though the Lieutenant Governor in Council had directed that the appeal be heard and determined by the Ontario Municipal Board under paragraph 5 of such section 96, and such appeals shall be heard and determined before the 30th day of September, 1970. County equalization in 1969 R.S.O. 1960, c. 23

89.—(1) This Act, except sections 1 to 86, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 1 to 86 come into force on the 1st day of January, 1970. Idem

90. This Act may be cited as *The Assessment Act, 1968-69*. Short title

FORM 1

(*Section 49*)

AFFIDAVIT OR AFFIRMATION OF ASSESSMENT COMMISSIONER IN VERIFICATION OF ASSESSMENT ROLL

I, (*name and residence*), make oath and say (*or* solemnly declare and affirm) as follows:

1. I have, according to the best of my information and belief, set down or caused to be set down in the assessment roll attached hereto all the real property liable to taxation situate in the municipality of.....; and I have justly and truly assessed or caused to be assessed in accordance with *The Assessment Act, 1968-69* each of the parcels of real property so set down and, according to the best of my information and belief, I have entered or caused to be entered the names of all owners or tenants assessable in respect of each such parcel.

2. I have estimated and set down or caused to be estimated and set down in the assessment roll, according to the best of my information and belief, the amounts assessable against every person named in the roll for business or otherwise under such Act.

3. According to the best of my knowledge and belief, I have entered or caused to be entered therein the name of every person entitled to be so entered under *The Assessment Act, 1968-69* or any other Act; and I have not intentionally omitted or caused to be omitted from the roll the name of any person whom I knew or had good reason to believe to be entitled to be entered therein under any of such Acts.

4. I have entered or caused to be entered on the roll the date of delivery or transmission of the notice required by section 40 of *The Assessment Act, 1968-69*, and every such date is truly and correctly stated in the roll.

5. I have not entered or caused to be entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote; and the amount for which each such person is assessed in the roll truly and correctly appears in the notice delivered or transmitted to him as aforesaid.

6. I have not entered or caused to be entered any name in the roll or improperly placed or caused to be placed any letter or letters opposite any name with intent to give a vote to any person not entitled to vote; and I have not intentionally omitted or caused to be omitted from the roll the name of any person whom I believe to be entitled to be placed therein; and I have not, in order to deprive any person of a vote, omitted or caused to be omitted from opposite the name of such person any letter or letters that I ought to have placed there.

7. I have, according to the best of my information and belief, complied with or caused to be complied with all the provisions of *The Assessment Act, 1968-69* or of any regulation, with regard to the preparation of the assessment roll.

Sworn (*or* solemnly declared and affirmed) before me at the.....of .....in the County of ....., this.....day of ....., A.D. 19....

FORM OF CERTIFICATE TO BE ATTACHED TO ASSESSMENT ROLL

Where an assessor enters the date of delivery or transmission of notices under section 40

I, (*name of assessor and residence*), certify that I have entered in the assessment roll attached hereto the date of delivery or transmission of the notices required by section 40 of *The Assessment Act, 1968-69*, and every such date has been truly stated in the roll.

.....
Assessor.

CHAPTER 7

An Act to amend The Cancer Act

Assented to June 9th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 17 of *The Cancer Act*, as amended by section 1 of *The Cancer Amendment Act, 1961-62* and section 1 of *The Cancer Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 45, s. 17, subs. 1, re-enacted

(1) The Institute shall consist of fifteen persons appointed by the Lieutenant Governor in Council, namely, Members

(*a*) five persons representing the Foundation, one of whom shall be the chairman of the Foundation;

(*b*) three persons representing The Governors of the University of Toronto;

(*c*) one person representing the Board of Trustees of the Toronto General Hospital;

(*d*) one person representing the Board of Trustees of The Hospital for Sick Children;

(*e*) one person representing the governing body of St. Michael's Hospital;

(*f*) one person representing the Board of Governors of The Toronto Western Hospital;

(*g*) one person representing the Board of Governors of the Women's College Hospital;

(*h*) one person representing the Board of Governors of the Toronto Wellesley Hospital;

(*i*) one person representing the Board of Governors of New Mount Sinai Hospital,

who shall hold office during pleasure.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Cancer Amendment Act, 1968-69*.

CHAPTER 8

An Act to amend The Change of Name Act

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 12 of *The Change of Name Act* is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause: R.S.O. 1960, c. 49, s. 12, subs. 3, amended

(*c*) where practicable, a certificate of the registration of the birth of the applicant and of each other person whose name may be changed as a result of the application and a certificate of the registration of the marriage where the spouse is named in the application.

2.—(1) Section 17 of *The Change of Name Act* is amended by inserting after "affidavit" in the third line "and any certificate of registration of birth or marriage or the particulars contained therein", so that the section shall read as follows: R.S.O. 1960, c. 49, s. 17, amended

17. The clerk of the court shall enter the order and transmit a certified copy of the order, together with a duplicate original of the application and of the verifying affidavit and any certificate of registration of birth or marriage or the particulars contained therein, to the Registrar General. Certified copy to Registrar General

(2) The said section 17 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 49, s. 17, amended

(2) Where the Registrar General receives a certificate of birth or marriage under subsection 1, the Registrar General shall, Return of certificates

(*a*) where the certificate was issued in respect of a birth or marriage that was registered in Ontario, re-issue the certificate in accordance with section 27 of *The Vital Statistics Act*, without payment of any fee therefor, and send the re-issued certificate to the applicant;

R.S.O. 1960, c. 419

(*b*) where the certificate was issued in respect of a birth or marriage that was registered outside Ontario, return the certificate to the applicant.

Application

3. This Act applies in respect of applications for change of name made after three months after this Act comes into force.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Change of Name Amendment Act, 1968-69*.

CHAPTER 9

An Act to amend The Child Welfare Act, 1965

Assented to December 17th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 31 of *The Child Welfare Act, 1965* is amended by adding at the commencement thereof "Subject to subsection 3" and by inserting after "child" in the third line "or a parent of the child", so that the subsection shall read as follows: 1965, c. 14, s. 31, subs. 1, amended

(1) Subject to subsection 3, where a child has been committed as a ward of the Crown, the children's aid society having the care of the child or a parent of the child may apply to a judge for an order terminating the Crown wardship, and, if the judge is satisfied that the termination is in the best interests of the child, he shall order that the Crown wardship be terminated. Application to terminate Crown wardship

(2) The said section 31 is amended by adding thereto the following subsections: 1965, c. 14, s. 31, amended

(3) Where a child has been committed as a ward of the Crown, the order under clause *c* of section 25 shall, subject to section 34, remain in effect and the Crown wardship shall not be terminated where the child has been placed in the home of a person who has given written notice of his intention to adopt the child and the child is residing in the home, until an adoption order is made under Part IV. Crown wardship to remain in effect

(4) The notice of intention to adopt referred to in subsection 3, shall not be given until any appeal under section 36 from the decision granting the order of Crown wardship or from a decision granting or refusing an order under subsection 1 has been finally disposed of, or until the time limited under section 36 for making such appeal has expired. When notice may be given

(5)

Judge may have regard to wishes of child

(5) Notwithstanding anything in this section, the judge may have regard to the wishes of the child in determining what order shall be made under subsection 1.

1965, c. 14, s. 35, repealed

2. Section 35 of *The Child Welfare Act, 1965*, is repealed.

1965, c. 14, s. 36, amended

3. Section 36 of *The Child Welfare Act, 1965* is amended by adding thereto the following subsections:

Notice of appeal

(1*a*) The appeal shall be made by filing a notice of appeal with the clerk of the county or district court and serving a copy thereof on the other parties within thirty days after the making of the decision.

Date of hearing

(1*b*) The appellant or person served with notice of appeal may, upon at least two days notice to each of the other parties, apply to the judge to fix a date for the hearing of the appeal.

Decision

(1*c*) The appeal shall be a hearing *de novo* and the judge may rescind, alter or confirm the decision being appealed or make any order or decision that ought to have been made.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Child Welfare Amendment Act, 1968-69*.

CHAPTER 10

An Act respecting Facilities for Children suffering from Mental or Emotional Disorders

Assented to December 17th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Board" means the Licensing Board of Review established under section 7;

(*b*) "children's mental health centre" or "centre" means premises, facilities and services provided for children suffering from mental or emotional disorders and designated as such by the regulations;

(*c*) "Director" means the Director of the Children's Service Branch of the Mental Health Division of the Department of Health;

(*d*) "Minister" means the Minister of Health;

(*e*) "regulations" means the regulations made under this Act.

Application of 1967, c. 51

2. Where the provisions of any Act, except *The Mental Health Act, 1967* and the regulations thereunder, conflict with this Act or the regulations, the provisions of this Act and the regulations prevail, and any provision in any other Act requiring or authorizing the licensing or registration of a children's mental health centre in any other capacity does not apply.

Centres established by Minister

3. The Minister, with the approval of the Lieutenant Governor in Council, may establish and operate one or more children's mental health centres.

Licences required

4.—(1) No person shall establish, operate or maintain a centre except under the authority of a licence issued by the Director and the Director may issue a licence upon such terms and subject to such conditions as are specified in the licence or the regulations.

Exception

(2) Subsection 1 does not apply to a facility established under section 3.

Refusal to issue

5. The Director may refuse to issue a licence,

(*a*) where the proposed operation would be in contravention of this Act or the regulations; or

(*b*) where there is no public need for the centre in the area where the applicant proposes to establish, operate or maintain a centre.

Revocation of licences

6. Subject to sections 8 to 14, the Director may revoke a licence where the centre is operated,

(*a*) in contravention of this Act or the regulations;

(*b*) in breach of a condition of the licence; or

(*c*) in a manner that, in the opinion of the Director, is contrary to the best interests of the public or of the children.

Licensing Board of Review

7.—(1) The Lieutenant Governor in Council shall appoint a board, consisting of not more than five members, to be known as the Licensing Board of Review, and may designate one member of the Board as chairman.

Quorum

(2) Three members of the Licensing Board of Review constitute a quorum.

Refusal to issue or revocation

8.—(1) Where the Director refuses to issue or proposes to revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen days after the receipt of the notice of refusal or proposed revocation, require a hearing by the Board.

Hearing by Board

(2) The Board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Contents of notice

(3) The notice of hearing shall contain,

(*a*) a statement of the time and place of the hearing which shall not be longer than thirty days after notice is given to the Board under subsection 1;

(*b*) a statement of the statutory power under which the hearing is being held;

(*c*) a reference to the rules of procedure applicable to the hearing;

(*d*) a concise statement of the issues; and

(*e*) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

Parties

9.—(1) The Director, the applicant or licensee and any other person specified by the Board are parties to the hearing.

Failure to attend

(2) If a person who has been duly notified of a hearing does not attend, the Board may proceed in his absence.

Adjournment

10.—(1) A hearing may be adjourned from time to time by the Board on reasonable grounds,

(*a*) on its own motion; or

(*b*) on the motion of any party to the hearing.

Subpoenas

(2) The Board may command the attendance before it of any person as a witness.

Oaths

(3) The Board may require any person,

(*a*) to give evidence on oath or by affirmation at a hearing; and

(*b*) to produce such documents and things as the Board requires.

Idem

(4) The Board may admit evidence not given under oath.

Offences

(5) Any person who, without lawful excuse,

(*a*) on being duly summoned as a witness before the Board, makes default in attending; or

(*b*) being in attendance as a witness before the Board, refuses to take an oath or affirmation legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or

(*c*) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforcement

(6) The Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of party to counsel

11.—(1) Any party may be represented before the Board by counsel or agent.

Right of witness to counsel

(2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Rights of parties at hearing

(3) Any party who is present at a hearing before the Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Hearings public

(4) All hearings shall be open to the public except where, in the opinion of the Board, it would not be in the best interests of a child in a centre, in which case the Board shall hold the hearing or part thereof affecting such matter *in camera*.

Exclusion of counsel

(5) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.

Evidence

12.—(1) Upon a review, the Board shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by the Board, form the record.

Release of exhibits

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Powers of Board

13.—(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper and for this purpose the Board may substitute its opinion for that of the Director.

(2) The decision of the Board, including the reasons therefor, shall be in writing. Decision to be in writing

(3) The reasons for the final decision shall contain, Contents of reasons for decision

(*a*) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(*b*) any agreed findings of fact; and

(*c*) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(4) The Board shall serve each party with a copy of its final decision, together with the reasons therefor and a notice stating the right of appeal. Notice of decision

14.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to Court of Appeal

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director or the Board to do any act the Director or the Board is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Director and the Board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. Decision of court

(4) The decision of the Court of Appeal is final. Idem

15. The Minister may at any time during the course of the proceedings under sections 8 to 14 apply *ex parte* to a judge of the High Court by originating notice of motion for an interim order authorizing the Minister to occupy and operate the centre under section 16, pending the outcome of the proceedings, and the judge may issue the order where, in the opinion of the judge, it is necessary for the best interests or protection of the children in the centre. Order for interim management

16.—(1) Where the licence of a centre is revoked, and the revocation becomes final, the parent or guardian of each child in the centre shall arrange for the removal of the child as soon as is practicable in the best interests of the child and the Minister shall assist in finding alternative accommodation and treatment for the child. Removal of children

(2)

Interim management 1968-69, c. 36

(2) For the purposes of arranging alternative accommodation and treatment of children under subsection 1, the Minister may, notwithstanding sections 25 and 40 of *The Expropriations Act, 1968-69*, immediately occupy and operate the centre, or arrange for the centre to be occupied and operated by a person or organization designated by him, for a period not exceeding six months, but all the rights of the owner under that Act, except the right to possession, are preserved.

Records

(3) Where the licence of a centre is revoked, the operator and owner of the centre shall hand over to the Minister, or a person designated by him, all the records that are in their possession or control and that pertain to the children in the centre.

Inspectors

17.—(1) The Minister may appoint inspectors for the purposes of this Act and the regulations and such appointment shall be in writing.

Duties

(2) Every centre and its books and records shall at all reasonable times be open to inspection by an inspector.

Idem

(3) Where an inspector believes on reasonable grounds that any premises are being used for the care and maintenance of a group of children of unrelated parentage suffering from mental and emotional disorders he may at any reasonable time, and from time to time, enter and inspect such premises and every part thereof.

Service of notices

18. Except where otherwise provided, any notice required by this Act to be given shall be served personally or, where personal service cannot be effected, service is sufficient if sent by registered mail addressed to the person to whom notice is to be given at his last known address.

Grants

19. The Minister shall pay children's mental health centres provincial aid out of moneys appropriated by the Legislature therefor in such manner and in such amounts and under such conditions as are prescribed by the regulations.

Penalty

20.—(1) Subject to subsection 2, any person who contravenes this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is $10,000 and not as provided therein.

Idem

(3) Any person who prevents or obstructs or attempts to prevent or obstruct an inspector from entering premises or making an inspection authorized by this Act or the regulations

is guilty of an offence and on summary conviction is liable to a fine of not more than $500.

(4) No proceeding under this section shall be commenced more than one year after the time when the subject-matter of the proceeding arose. Limitation

21.—(1) The Lieutenant Governor in Council may make regulations, Regulations

(*a*) designating centres for the purposes of clause *b* of section 1, and classifying such centres;

(*b*) providing for issuing of licences or provisional licences for centres and prescribing the terms and conditions of licences;

(*c*) governing the management, conduct, operation and use of centres;

(*d*) governing and prescribing the accommodation, facilities, equipment and services in centres;

(*e*) providing for the officers and staff of centres and their qualifications;

(*f*) governing the establishment, location and construction of centres and their alteration and renovation;

(*g*) classifying children suffering from mental or emotional disorders and limiting the classes of children that may be admitted to any centre or class thereof;

(*h*) prescribing the classes of grants by way of provincial aid to any centre or class thereof and the methods of determining the amounts of grants and providing for the manner and time of payment and the suspension and withholding of grants and for the making of deductions from grants;

(*i*) prescribing additional duties for the Licensing Board of Review;

(*j*) prescribing the duties and qualifications of inspectors;

(*k*) requiring persons operating centres to furnish such information and returns as are prescribed;

(*l*) prescribing forms for the purposes of this Act and the regulations and providing for their use.

Application

(2) The regulations may provide that any provision is limited in its application to any specified class of centres.

Moneys

22. The moneys required for the purposes of this Act shall, until the 31st day of March, 1970, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of moneys that are appropriated therefor by the Legislature.

Commencement

23. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

24. This Act may be cited as *The Children's Mental Health Centres Act, 1968-69*.

CHAPTER 11

The Collection Agencies Act, 1968-69

Assented to October 31st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "collection agency" means a person other than a collector who deals with a debtor for the purpose of obtaining or arranging for payment of money owing to another person, or who holds out to the public that he provides such a service or any person who sells or offers to sell forms or letters represented to be a collection system or scheme;

(*b*) "collector" means a person employed, appointed or authorized by a collection agency to solicit business or collect debts for the agency or to deal with or trace debtors for the agency;

(*c*) "Department" means the Department of Financial and Commercial Affairs;

(*d*) "Director" means the Director of the Consumer Protection Division of the Department;

(*e*) "Minister" means the Minister of Financial and Commercial Affairs;

(*f*) "prescribed" means prescribed by this Act or the regulations;

(*g*) "registered" means registered under this Act;

(*h*) "Registrar" means the Registrar of Collection Agencies;

(*i*) "regulations" means the regulations made under this Act;

1966, c. 41

(*j*) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*. R.S.O. 1960, c. 58, s. 1; 1964, c. 7, s. 1, *amended*.

Application of Act

2. This Act does not apply,

(*a*) to a barrister or solicitor in the regular practice of his profession or to his employees;

R.S.O. 1960, c. 190

(*b*) to an insurer, agent or broker licensed under *The Insurance Act* to the extent of the business authorized by such licence or to his employees;

R.S.C. 1952, cc. 14, 296
R.S.O. 1960, cc. 71, 197

(*c*) to an assignee, custodian, liquidator, receiver, trustee or other person licensed or acting under the *Bankruptcy Act* (Canada), *The Corporations Act*, *The Judicature Act* or the *Winding-up Act* (Canada) or a person acting under the order of any court;

R.S.O. 1960, c. 344

(*d*) to a broker or salesman registered under *The Real Estate and Business Brokers Act*, or an official or other employee of such a broker to the extent of the business authorized by the registration;

1966-67, c. 87 (Can.)
R.S.O. 1960, c. 222

(*e*) to a bank to which the *Bank Act* (Canada) applies, the Province of Ontario Savings Office, a loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or an employee thereof in the regular course of his employment;

(*f*) to an isolated collection made by a person whose usual business is not collecting debts for other persons; or

1966, c. 24

(*g*) to a person providing counselling services in respect of consumer credit and receiving public money under *The Consumer Protection Bureau Act, 1966* for the purpose. R.S.O. 1960, c. 58, s. 11, *amended*.

Registrar

3.—(1) There shall be a Registrar of Collection Agencies who shall be appointed by the Lieutenant Governor in Council. *New*.

Duties of Registrar

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. R.S.O. 1960, c. 58, s. 2; 1964, c. 7, s. 2, *amended*.

Registration

4.—(1) No person shall carry on the business of a collection agency or act as a collector unless he is registered by the Registrar under this Act. R.S.O. 1960, c. 58, s. 3; 1964, c. 7, s. 3, *amended.*

Name and place of business

(2) A registered collection agency shall not carry on business in a name other than the name in which it is registered or invite the public to deal at a place other than that authorized by the registration. *New.*

Use of name to collect debts

5. No creditor shall deal with his debtor for payment of the debt except under the name in which the debt is lawfully owing or through a registered collection agency. *New.*

Registration

6.—(1) An applicant is entitled to registration or renewal of registration except where,

(*a*) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;

(*b*) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted; or

(*c*) the applicant is or proposes to be in contravention of this Act or the regulations.

Conditions of registration

(2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. 1964, c. 7, s. 4, *amended.*

Revocation

7.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 if he were an applicant, or where the registrant is in breach of a condition of the registration. 1964, c. 7, s. 4 (2), *part, amended.*

Voluntary cancellation

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. *New.*

Hearing by Tribunal

8.—(1) Where the Registrar refuses to issue or renew a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant

or

or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

Stay of refusal to renew

(2) Where the Registrar refuses to renew a registration, the applicant shall be deemed to continue to be registered until an order is made by the Tribunal or until the time for requiring a hearing by the Tribunal expires, whichever occurs first.

Notice of hearing

(3) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Idem

(4) The notice of hearing shall contain,

(*a*) a statement of the time and place of the hearing;

(*b*) a statement of the statutory power under which the hearing is being held;

(*c*) a reference to the rules of procedure applicable to the hearing;

(*d*) a concise statement of the issues; and

(*e*) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings. *New.*

Parties

9.—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Failure to attend

(2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence. *New.*

Adjournment

10.—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,

(*a*) on its own motion; or

(*b*) on the motion of any party to the hearing.

Subpoenas

(2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.

Oaths

(3) The Tribunal may require any person,

(*a*) to give evidence on oath at a hearing; and

(*b*) to produce such documents and things as the Tribunal requires.

Objection re self-incrimination R.S.O. 1960, c. 125 R.S.C. 1952, c. 307

(4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*.

Idem

(5) The Tribunal may admit evidence not given under oath.

Offences

(6) Any person who, without lawful excuse,

(*a*) on being duly summoned as a witness before the Tribunal, makes default in attending; or

(*b*) being in attendance as a witness before the Tribunal, refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or

(*c*) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

Enforcement

(7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

Right of party to counsel

11. Any party may be represented before the Tribunal by counsel or agent. *New.*

Right of witness to counsel

12.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Exclusion of counsel

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. *New.*

Right of parties at hearing

13. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. *New.*

14.

Hearings to be open to public; exceptions

14.—(1) All hearings shall be open to the public except where the Tribunal finds that,

(*a*) public security may be involved; or

(*b*) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

Idem

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. *New.*

Release of exhibits

15. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. *New.*

Specialized knowledge

16.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.

Notice

(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.

Contents and service of notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. *New.*

Record

17. All oral evidence received by the Tribunal shall be taken down in writing and together with,

(*a*) the notice of hearing;

(*b*) any rulings or orders made in the course of the proceedings of the Tribunal;

(*c*) any written submissions received by the Tribunal; and

(*d*) the decision and the reasons therefor,

form the record. *New.*

Decision of Tribunal

18.—(1) The Tribunal may, after the hearing,

(*a*) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any

act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;

(*b*) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision to be in writing

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of reasons for decision

(3) The reasons for the final decision shall contain,

(*a*) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(*b*) any agreed findings of facts; and

(*c*) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of decision

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal. *New.*

Enforcement of decisions

19. A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. *New.*

Appeal to Court of Appeal

20.—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

Counsel

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.

Decision of court

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of

the

the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

Idem

(4) The decision of the Court of Appeal is final. *New.*

Stay

21. An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately, but the Tribunal may grant a stay until the order becomes final. *New.*

Further applications

22. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. 1964, c. 7, s. 5, *part*, *amended.*

Investigation of complaints

23.—(1) Where the Registrar receives a complaint in respect of a collection agency and so requests in writing, the collection agency shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

Idem

(2) The request under subsection 1 shall indicate the nature of the inquiry involved.

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the collection agency to make an inspection in relation to the complaint. 1964, c. 7, s. 7, *amended.*

Inspection

24.—(1) The Registrar or any person designated by him in writing may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a collection agency while unregistered, the Registrar or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 4. *New.*

Powers on inspection

25.—(1) Upon an inspection under section 23 or 24, the person inspecting,

(*a*) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and

(*b*) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility of copies

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original. *New.*

Investigations

26.—(1) Where, upon a statement made under oath, it appears probable to the Director that any person has,

(*a*) contravened any of the provisions of this Act or the regulations; or

1953-54, c. 51 (Can.)

(*b*) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

Investigation by order of Minister

(2) Notwithstanding subsection 1, the Minister may by order appoint one or more persons to make an investigation into any matter to which this Act applies and the person appointed shall report the result of his investigation to the Minister.

Scope of investigation

(3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any

property

property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation.

Removal of records

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated.

Admissibility of copies

(5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original document or record.

Appointment of experts

(6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act.

Evidence by witness

(7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 10 and section 12 apply to the investigator and the witness in the same manner as to the Tribunal and witnesses before it.

Confidentiality

(8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation. 1964, c. 7, s. 9, *part, amended.*

Report

27. Where, upon the report of an investigation made under subsection 1 of section 26, it appears to the Director that a person may have,

(*a*) contravened any of the provisions of this Act or the regulations; or

1953-54, c. 51 (Can.)

(*b*) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister. 1964, c. 7, s. 9, *part, amended.*

Order to refrain from dealing with assets

28.—(1) The Director may,

(*a*) after an investigation of any person has been ordered under section 26; or

(*b*) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* R.S.C. 1952, cc. 14, 296 (Canada), *The Judicature Act*, *The Corporations Act* or the R.S.O. 1960 cc. 197, 71 *Winding-up Act* (Canada), or until the Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank or loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

Bond in lieu

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

(*a*) a personal bond accompanied by collateral security;

(*b*) a bond of a guarantee company approved under *The* R.S.O. 1960, c. 168 *Guarantee Companies Securities Act*; or

(*c*) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director determines.

Application for direction

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made

thereto

thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.

Notice to registrar of deeds, etc.

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice. 1964, c. 7, s. 9, *part, amended.*

Notice of changes

29.—(1) Every collection agency shall, within five days after the event, notify the Registrar in writing of,

(*a*) any change in its address for service;

(*b*) any change in the officers in the case of a corporation or of the members in the case of a partnership;

(*c*) any commencement or termination of employment of a collector.

Idem

(2) Every collector shall, within five days after the event, notify the Registrar in writing of,

(*a*) any change in his address for service; and

(*b*) any commencement or termination of his employment. R.S.O. 1960, c. 58, s. 6 (2); 1964, c. 7, s. 4 (1), *amended.*

Idem

(3) The Registrar shall be deemed to be notified under subsections 1 and 2 on the date on which he is actually notified or, where the notification is by mail, on the date of mailing. *New.*

Furnishing material to Registrar

30.—(1) The Registrar may at any time require a collection agency to provide him with copies of any letters, forms, form letters, notices, pamphlets, brochures, advertisements, contracts, agreements or other materials used or proposed to be used by the collection agency in the course of conducting its business.

Alteration of material

(2) The Registrar may alter, amend, restrict or prohibit the use of any of the materials referred to in subsection 1, that in his opinion are harsh, false, misleading or deceptive, and sections 8 to 20 apply to the decision of the Registrar and the decision shall take effect immediately, but the Tribunal may grant a stay until the registrar's decision becomes final. *New.*

(3) Every collection agency shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the proprietor or officer of the collection agency and certified by a person licensed under *The Public Accountancy Act*. R.S.O. 1960, c. 58, s. 9; 1962-63, c. 16, s. 2, *amended*. Financial statements R.S.O. 1960, c. 317

(4) The information contained in a financial statement filed under subsection 3 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement. *New*. Statement confidential

31. No collection agency or collector shall, Practices prohibited

(*a*) collect or attempt to collect for a person for whom it acts any moneys in addition to the amount owing by the debtor;

(*b*) send any telegram or make any telephone call, for which the charges are payable by the addressee or the person to whom the call is made, to a debtor for the purpose of demanding payment of a debt;

(*c*) receive or make an agreement for the additional payment of any money by a debtor of a creditor for whom the collection agency acts, either on its own account or for the creditor and whether as a charge, cost, expense or otherwise, in consideration for any forbearance, favour, indulgence, intercession or other conduct by the collection agency;

(*d*) deal with a debtor in a name other than that authorized by the registration. R.S.O. 1960, c. 58, s. 20; 1962-63, c. 16, s. 7, *amended*.

32. Every collector shall immediately notify his employer when any moneys are collected by him in the course of his employment. R.S.O. 1960, c. 58, s. 21. Notice as to moneys collected

33.—(1) No person shall knowingly engage or use the services of a collection agency that is not registered under this Act. Use of unregistered collection agency

(2) No collection agency shall employ a collector or appoint or authorize a collector to act on its behalf unless the collector is registered under this Act. *New*. Employment of unregistered collectors

34. Where, in the opinion of the Registrar, a collection agency is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 8 to 20 apply to the order and False advertising

the

the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. *New.*

Service

35.—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.

Idem

(2) Where service is made by registered mail the service shall be deemed to be made on the third day after the day of mailing. 1964, c. 7, s. 6, *amended.*

Exception

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal. *New.*

Restraining orders

36.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Court of Appeal from an order made under subsection 1. *New.*

Offences

37.—(1) Every person who, knowingly,

(*a*) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;

(*b*) fails to comply with any order, direction or other requirement made under this Act; or

(*c*) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is $25,000 and not as provided therein.

(3) No proceeding under this section shall be instituted except with the consent of the Minister. Consent of Minister

(4) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director. Limitation

(5) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose. 1964, c. 7, s. 11, *part, amended.* Idem

38. A statement as to, Certificate as evidence

(*a*) The registration or non-registration of any person;

(*b*) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

(*c*) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or

(*d*) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. 1964, c. 7, s. 11, *part, amended.*

39. The Lieutenant Governor in Council may make regulations, Regulations

(*a*) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;

(*b*) requiring the payment of fees on application for registration or renewal of registration and prescribing the amount thereof;

(*c*) prescribing forms for the purposes of this Act and providing for their use;

(*d*) requiring and governing the maintenance of trust accounts by collection agencies and prescribing the moneys that shall be held in trust and the terms and conditions thereof;

(*e*) requiring and governing the books, accounts and records that shall be kept by collection agencies and requiring the accounting and remission of moneys to creditors in such manner and times as are prescribed, including the disposition of unclaimed money;

(*f*) requiring collection agencies or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;

(*g*) requiring collection agencies to make returns and furnish information to the Registrar;

(*h*) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;

(*i*) prescribing further procedures respecting the conduct of matters coming before the Tribunal;

(*j*) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof;

(*k*) prohibiting the use of any particular method in the collection of debts. R.S.O. 1960, c. 58, s. 32; 1962-63, c. 16, s. 14, *amended*.

R.S.O. 1960, c. 58; 1962-63, c. 16; 1964, c. 7, repealed

40.—(1) *The Collection Agencies Act*, *The Collection Agencies Amendment Act, 1962-63* and *The Collection Agencies Amendment Act, 1964* are repealed.

Unfinished proceedings

(2) Notwithstanding subsection 1, the Acts referred to therein continue to apply in respect of any investigation, proceeding or prosecution commenced thereunder before this Act comes into force, except that any certificate required to be given by the Director of the Registration and Examination Branch of the Department under such Acts and given after this Act comes into force shall be given by the Director of the Consumer Protection Division.

Director's knowledge imputed

(3) For the purpose of any prosecution commenced under the Acts referred to in subsection 1 or this Act, any knowledge of the Director of the Registration and Examination Branch of the Department shall be imputed to the Director of the Consumer Protection Division.

41. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

42. This Act may be cited as *The Collection Agencies Act, 1968-69*. Short title

CHAPTER

CHAPTER 12

An Act to amend The Commissioners for taking Affidavits Act

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 4 of section 2 of *The Commissioners for taking Affidavits Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 59, s. 2, subs. 4, re-enacted

(4) The head of every municipal council, the reeve of every town, every deputy reeve and every controller and alderman of a municipality is *ex officio* a commissioner for taking affidavits in the county, district or regional municipality in which the municipality is situate. Heads of municipal councils, etc.

(2) The said section 2, as amended by section 1 of *The Commissioners for taking Affidavits Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 59, s. 2, amended

(5) The chairman, vice-chairman and secretary-treasurer of every improvement district are *ex officio* commissioners for taking affidavits in the county or district in which the improvement district is situate. Improvement districts

2. Section 4 of *The Commissioners for taking Affidavits Act* is repealed. R.S.O. 1960, c. 59, s. 4, repealed

3. Subsection 1 of section 6 of *The Commissioners for taking Affidavits Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 59, s. 6, subs. 1, re-enacted

(1) The Lieutenant Governor may by commission empower any person of the age of twenty-one years or over to administer oaths and take affidavits authorized by law within or outside Ontario or subject to such limits as to duration, territory or purpose as the Lieutenant Governor specifies in the appointment. Appointment of commissioners

Past oaths validated

4. The chairmen, vice-chairmen and secretary-treasurers of improvement districts and the controllers and aldermen of municipalities other than cities shall be deemed to have always been *ex officio* commissioners for taking affidavits.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Commissioners for taking Affidavits Amendment Act, 1968-69.*

CHAPTER 13

An Act to amend The Conservation Authorities Act, 1968

Assented to April 1st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of section 1 of *The Conservation Authorities Act, 1968* is amended by striking out "or township" in the first and second lines and inserting in lieu thereof "township or improvement district", so that the clause shall read as follows: 1968, c. 15, s. 1, cl. *h*, amended

(*h*) "municipality" means a city, town, village, township or improvement district, and includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue moneys under section 68 of that Act. R.S.C. 1952, c. 149

2. *The Conservation Authorities Act, 1968* is amended by adding thereto the following section: 1968, c. 15, amended

3*a*.—(1) Where a regional municipality has been established, the regional municipality, on and after the 1st day of January after it is established, Regional municipality to act in place of local municipalities

(*a*) shall act in the place of the local municipalities within the regional municipality for the purpose of appointing representatives to attend a meeting for the establishment or enlargement of a conservation authority or the amalgamation of conservation authorities and for such purpose may appoint representatives in the numbers to which the local municipalities would otherwise have been entitled; and

(*b*) shall be a participating municipality in the place of such of the local municipalities within the regional municipality as are wholly or partly within the area under the jurisdiction

of

of a conservation authority and shall appoint to each such authority the number of members to which the local municipalities would otherwise have been entitled as participating municipalities.

Present members when regional municipality established

(2) When a regional municipality is established, the members of an authority then holding office who were appointed by a local municipality wholly or partly within the regional municipality shall continue to hold office until their respective terms of office expire and shall be deemed to have been appointed by the regional municipality.

Ottawa-Carleton

(3) For the purposes of subsections 1 and 2, The Regional Municipality of Ottawa-Carleton shall be deemed to have been established on the 31st day of December, 1969.

1968, c. 15, s. 26, subs. 1, cl. *b*, amended

3. Clause *b* of subsection 1 of section 26 of *The Conservation Authorities Act, 1968* is amended by striking out "restricting and" in the first line and inserting in lieu thereof "prohibiting or", so that the clause shall read as follows:

(*b*) prohibiting or regulating the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Conservation Authorities Amendment Act, 1968-69*.

CHAPTER 14

An Act to amend The Consumer Protection Act, 1966

Assented to October 31st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Consumer Protection Act, 1966*, as amended by section 1 of *The Consumer Protection Amendment Act, 1967* and section 1 of *The Consumer Protection Amendment Act, 1968*, is further amended by adding thereto the following clauses: 1966, c. 23, s. 1, amended

(*da*) "Department" means the Department of Financial and Commercial Affairs;

. . . . .

(*jb*) "registered" means registered under this Act;

. . . . .

(*na*) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*. 1966, c. 41

(2) The said section 1 is further amended by relettering clause *ia*, as enacted by subsection 4 of section 1 of *The Consumer Protection Amendment Act, 1967*, as clause *ib* and by adding thereto the following clause: 1966, c. 23, s. 1, amended

(*ia*) "Minister" means the Minister of Financial and Commercial Affairs.

(3) Clause *j* of the said section 1 is repealed and the following substituted therefor: 1966, c. 23, s. 1, cl. *j*, re-enacted

(*j*) "prescribed" means prescribed by this Act or the regulations.

2. Part I of *The Consumer Protection Act, 1966* is repealed and the following substituted therefor: 1966, c. 23, Part I (ss. 3-14), re-enacted

PART I

PART I

REGISTRATION OF ITINERANT SELLERS

Duties of Registrar

3. The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Part under the supervision of the Director.

Registration required

4.—(1) No person shall carry on business as an itinerant seller unless he is registered by the Registrar under this Act.

Name and place of business

(2) A registered itinerant seller shall not carry on business in a name other than the name in which he is registered or from a place of business other than that authorized by the registration.

Representation

(3) No person shall publish or cause to be published in writing any representation that he is registered under this Act.

Granting of registration

5.—(1) An applicant is entitled to registration or renewal of registration except where,

(*a*) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;

(*b*) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted; or

(*c*) the applicant is or proposes to be in contravention of this Act or the regulations.

Conditions of registration

(2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations.

Revocation

6.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a condition of the registration.

Voluntary cancellation

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request of the registrant in writing in the prescribed form surrendering his registration.

Hearing by Tribunal

7.—(1) Where the Registrar refuses to issue or renew a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

Stay of refusal to renew

(2) Where the Registrar refuses to renew a registration, the applicant shall be deemed to continue to be registered until an order is made by the Tribunal or until the time for requiring a hearing by the Tribunal expires, whichever occurs first.

Notice of hearing

(3) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Idem

(4) The notice of hearing shall contain,

(*a*) a statement of the time and place of the hearing;

(*b*) a statement of the statutory power under which the hearing is being held;

(*c*) a reference to the rules of procedure applicable to the hearing;

(*d*) a concise statement of the issues; and

(*e*) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings.

Parties

8.—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Failure to attend

(2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence.

Adjournment

9.—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,

(*a*) on its own motion; or

(*b*) on the motion of any party to the hearing.

Subpoenas

(2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.

Oaths

(3) The Tribunal may require any person,

(*a*) to give evidence on oath at a hearing; and

(*b*) to produce such documents and things as the Tribunal requires.

Objection re self-incrimination

R.S.O. 1960, c. 125
R.S.C. 1952, c. 307

(4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*.

Unsworn testimony

(5) The Tribunal may admit evidence not given under oath.

Offences

(6) Any person who, without lawful excuse,

(*a*) on being duly summoned as a witness before the Tribunal, makes default in attending; or

(*b*) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or

(*c*) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

Enforcement

(7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of party to counsel

10. Any party may be represented before the Tribunal by counsel or agent.

Right of witness to counsel

11.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Exclusion of counsel

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.

Right of parties at hearing

12. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Hearings to be open to public; exceptions

13.—(1) All hearings shall be open to the public except where the Tribunal finds that,

(*a*) public security may be involved; or

(*b*) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

Idem

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions.

Release of exhibits

14. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined.

Specialized knowledge

14*a*.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.

Notice

(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.

Contents and service of notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties.

Record

14*b*. All oral evidence received by the Tribunal shall be taken down in writing and together with,

(*a*) the notice of hearing;

(*b*) any rulings or orders made in the course of the proceedings of the Tribunal;

(*c*) any written submissions received by the Tribunal; and

(*d*) the decision and the reasons therefor,

form the record.

Decision of Tribunal

14*c*.—(1) The Tribunal may, after the hearing,

(*a*) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;

(*b*) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision to be in writing

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of reasons for decision

(3) The reasons for the final decision shall contain,

(*a*) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(*b*) any agreed findings of facts; and

(*c*) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of decision

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal.

14*d*. A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. Enforcement of decisions

14*e*.—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to Court of Appeal

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. Decision of court

(4) The decision of the Court of Appeal is final. Idem

14*f*. An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately, but the Tribunal may grant a stay until the order becomes final. Stay

14*g*. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. Further applications

14*h*.—(1) Where the Registrar receives a complaint in respect of an itinerant seller and so requests in writing, the itinerant seller shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires. Investigation of complaints

(2) The request under subsection 1 shall indicate the nature of the inquiry involved. Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the itinerant seller to make an inspection in relation to the complaint. Idem

Inspection

14*i*.—(1) The Registrar or any person designated by him in writing may at any reasonable time enter upon the business premises of a registered itinerant seller to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as an itinerant seller while unregistered, the Registrar or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 4.

Powers on inspection

14*j*.—(1) Upon an inspection under section 14*h* or 14*i*, the person inspecting,

(*a*) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and

(*b*) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility of copies

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Notice of changes

14*k*.—(1) Every itinerant seller shall, within five days after the event, notify the Registrar in writing of,

(*a*) any change in his address for service;

(*b*) any change in the officers in the case of a corporation or of the members in the case of a partnership.

Idem (2) The Registrar shall be deemed to be notified under subsection 1 on the day on which he is actually notified or, where the notification is by mail, on the day of mailing.

Financial statements 14*l*.—(1) Every itinerant seller shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the itinerant seller and certified by a person licensed under *The Public Accountancy Act*. R.S.O. 1960, c. 317

Statement confidential (2) The information contained in a financial statement filed under subsection 1 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement.

Service 14*m*.—(1) Any notice or order required to be given or served under this Part or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.

Idem (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing.

Exception (3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal.

Restraining orders 14*n*.—(1) Where it appears to the Director that any person does not comply with any provision of this Part, the regulations or an order made under this Part, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal (2) An appeal lies to the Court of Appeal from an order made under subsection 1.

Offences

14*o*.—(1) Every person who, knowingly,

(*a*) furnishes false information in any application under this Part or in any statement or return required to be furnished under this Part or the regulations; or

(*b*) fails to comply with any order, direction or other requirement made under this Part or section 31,

is guilty of an offence punishable under section 32, but no proceeding under clause *a* shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Certificate as evidence

(2) A statement as to,

(*a*) the registration or non-registration of any person;

(*b*) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

(*c*) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or

(*d*) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

1966, c. 23, s. 31, re-enacted

3. Section 31 of *The Consumer Protection Act, 1966* is repealed and the following substituted therefor:

False advertising

31. Where, in the opinion of the Registrar, any seller or lender is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 7 to 14*e* apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

4. Section 32*a* of *The Consumer Protection Act, 1966*, as enacted by section 5 of *The Consumer Protection Amendment Act, 1968*, is repealed. 1966, c. 23, s. 32*a* (1968, c. 17, s. 5), repealed

5.—(1) Clause *a* of section 33 of *The Consumer Protection Act, 1966* is repealed and the following substituted therefor: 1966, c. 23, s. 33, cl. *a*, re-enacted

(*a*) governing applications for registration or renewal of registration of itinerant sellers and prescribing terms and conditions of registration;

(*aa*) requiring itinerant sellers to make returns and furnish information to the Registrar;

(*ab*) prescribing further procedures respecting the conduct of matters coming before the Tribunal;

(*ac*) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof.

(2) Clause *i* of the said section 33 is repealed and the following substituted therefor: 1966, c. 23, s. 33, cl. *i*, re-enacted

(*i*) prescribing forms for the purposes of this Act and providing for their use;

(*ia*) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

6. This Act does not apply in respect of any proceeding or prosecution commenced before this Act comes into force. Unfinished proceedings

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

8. This Act may be cited as *The Consumer Protection Amendment Act, 1968-69*. Short title

CHAPTER

CHAPTER 15

An Act to amend the The Corporation Securities Registration Act

Assented to June 18th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Corporation Securities Registration Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 70, s. 1, amended

(*fa*) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council.

2.—(1) Subsection 1 of section 3 of *The Corporation Securities Registration Act* is amended by striking out "Provincial Secretary" in the third line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 70, s. 3, subs. 1, amended

(2) Subsection 2 of the said section 3 is amended by striking out "Provincial Secretary" in the fourth line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 70, s. 3, subs. 2, amended

3. Section 5 of *The Corporation Securities Registration Act* is amended by striking out "Provincial Secretary" in the third and fourth lines and inserting in lieu thereof "Minister". R.S.O. 1960, c. 70, s. 5, amended

4. Section 6 of *The Corporation Securities Registration Act* is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 70, s. 6, amended

5.—(1) Subsection 1 of section 9 of *The Corporation Securities Registration Act* is amended by striking out "Provincial Secretary" in the third line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 70, s. 9, subs. 1, amended

(2) Subsection 2 of the said section 9 is amended by striking out "Provincial Secretary" in the third line and inserting in lieu thereof "Minister". R.S.O. 1960 c. 70, s. 9, subs. 2, amended

R.S.O. 1960, c. 70, s. 9, subs. 3, amended

(3) Subsection 3 of the said section 9 is amended by striking out "Provincial Secretary" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960, c. 70, s. 9, subs. 4, amended

(4) Subsection 4 of the said section 9 is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960, c. 70, s. 10, subs. 1, amended

6.—(1) Subsection 1 of section 10 of *The Corporation Securities Registration Act* is amended by striking out "Provincial Secretary" in the first and second lines and inserting in lieu thereof "Minister".

R.S.O. 1960, c. 70, s. 10, subs. 2, amended

(2) Subsection 2 of the said section 10 is amended by striking out "Provincial Secretary" in the first line and in the fifth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960, c. 70, s. 10, subs. 3, amended

(3) Subsection 3 of the said section 10 is amended by striking out "Provincial Secretary" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960, c. 70, s. 11, amended

7. Section 11 of *The Corporation Securities Registration Act* is amended by striking out "Provincial Secretary" in the third line and in the eighth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960, c. 70, s. 12, amended

8. Section 12 of *The Corporation Securities Registration Act* is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister".

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Corporation Securities Registration Amendment Act, 1968-69*.

CHAPTER 16

An Act to amend The Corporations Act

Assented to, except section 2, June 18th, 1969
Section 2 assented to June 27th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Corporations Act*, as amended by section 1 of *The Corporations Amendment Act, 1966*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 71, s. 1, amended

(*da*) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council.

(2) The said section 1 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 71, s. 1, amended

(2) Any reference in this Act to the Provincial Secretary, Deputy Provincial Secretary or the Department of the Provincial Secretary shall be deemed to be a reference to the Minister as defined in subsection 1, his Deputy Minister or his department, respectively. References to Provincial Secretary, etc.

2. Section 11 of *The Corporations Act*, as re-enacted by section 1 of *The Corporations Amendment Act, 1961-62*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 71, s. 11 (1961-62, c. 21, s. 1), amended

(2) Letters patent of incorporation, letters patent of continuation, letters patent of amalgamation and supplementary letters patent, issued under this Act or any predecessor thereof, take effect on the date set forth therein. Effective date of letters patent, etc.

3. Subclause iii of clause *e* of subsection 1 of section 71 of *The Corporations Act*, as enacted by section 1 of *The Corporations Amendment Act, 1968*, is amended by inserting after "of" in the second line "such", so that the subclause shall read as follows: R.S.O. 1960, c. 71, s. 71, subs. 1, cl. *e*, subcl. iii (1968, c. 19, s. 1), amended

(iii) any person who exercises control or direction over the equity shares of such a company carrying more than 10 per cent of the voting rights attached to all equity shares of the company for the time being outstanding.

R.S.O. 1960, c. 71, s. 71*c* (1966, c. 28, s. 3), subss. 5, 6, repealed

4. Subsections 5 and 6 of section 71*c* of *The Corporations Act*, as enacted by section 3 of *The Corporations Amendment Act, 1966*, are repealed.

R.S.O. 1960, c. 71, s. 75*d* (1966, c. 28, s. 4), subss. 2-4, re-enacted

5. Subsections 2, 3 and 4 of section 75*d* of *The Corporations Act*, as enacted by section 4 of *The Corporations Amendment Act, 1966*, are repealed and the following substituted therefor:

Exemption orders

(2) Upon the application of any interested person, the Commission may, if satisfied that in the circumstances of the particular case there is adequate justification for so doing, make an order, on such terms and conditions as seem to the Commission to be just and expedient, exempting any person from the requirements, in whole or in part, of section 75*b* or of subsection 1 of section 75*c*.

Hearing of Commission 1966, c. 142

(3) Section 5 of *The Securities Act, 1966* applies, so far as possible, to hearings of the Commission under this section.

Appeal from Commission

(4) Any person who feels aggrieved by a decision of the Commission under this section may appeal the decision to the Court of Appeal, and subsections 2 to 6 of section 29 of *The Securities Act, 1966* apply to the appeal.

R.S.O. 1960, c. 71, s. 84, subss. 3-5 (1966, c. 28, s. 8, subs. 4), re-enacted

6. Subsections 3, 4 and 5 of section 84 of *The Corporations Act*, as enacted by subsection 4 of section 8 of *The Corporations Amendment Act, 1966*, are repealed and the following substituted therefor:

Order for omission of sales or gross operating revenue

(3) A public company may apply to the Commission for an order permitting sales or gross operating revenue referred to in clause *a* of subsection 1 of this section or subclause i of clause *b* of subsection 1 of section 93*a* to be omitted from the statement of profit and loss or the interim financial statement, as the case may be, and the Commission may, on such terms and conditions as it may impose, permit such omission where it is satisfied that in the circumstances the disclosure of such information would be unduly detrimental to the interests of the company.

Hearing of Commission

(4) Section 5 of *The Securities Act, 1966* applies, so far as possible, to hearings of the Commission under this section.

Appeal from Commission

(5) Any person who feels aggrieved by a decision of the Commission under this section may appeal the

decision to the Court of Appeal, and subsections 2 to 6 of section 29 of *The Securities Act, 1966* apply to the appeal. 1966, c. 142

7. Section 150 of *The Corporations Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 71, s. 150, amended

(3) A mutual insurance corporation without guarantee capital stock, all the members of which are corporations mentioned in subsection 2, may be incorporated for the purpose of reinsuring contracts of insurance entered into by its members, and such a corporation may enter into contracts of reinsurance with any licensed insurer for the purpose of retroceding all or part of reinsurance contracts entered into by it with its members. Corporation for re-insurance

8. Subsection 13, as amended by section 6 of *The Corporations Amendment Act, 1962-63*, and subsection 14 of section 151 of *The Corporations Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 71, s. 151, subss. 13, 14, re enacted

(13) A mutual insurance corporation without guarantee capital stock incorporated for the purposes of undertaking contracts of fire insurance on the premium note plan has and is limited to the power to, Powers

(*a*) undertake contracts of fire insurance upon agricultural property or property that is not mercantile or manufacturing or hazardous, on the premium note plan in accordance with *The Insurance Act*; R.S.O. 1960, c. 190

(*b*) in respect of property that it insures against fire, undertake contracts of property damage insurance, theft insurance or any class or classes of insurance set out in section 27 of *The Insurance Act*; and

(*c*) undertake contracts of employers' liability insurance or public liability insurance as defined in *The Insurance Act* in the case of persons whose property it insures against fire, but such insurance shall be limited to liability arising from the use and occupancy of the property insured against fire.

(14) The letters patent of a mutual insurance corporation without guarantee capital stock incorporated for the purposes of undertaking contracts of fire insurance Powers deemed in letters patent

on

on the premium note plan shall be deemed to include power to undertake all the classes of insurance set out in subsection 13.

R.S.O. 1960, c. 71, s. 223, amended

9. Section 223 of *The Corporations Act*, as amended by section 8 of *The Corporations Amendment Act, 1962-63*, is further amended by striking out "in" where it occurs the first time in the sixth line and inserting in lieu thereof "into the capital account of the corporation", so that the section shall read as follows:

Directors of joint stock insurance company, qualifications

223. Subject to section 224, no person is eligible to become or shall be elected a director of a joint stock insurance company unless he is twenty-one or more years of age and holds in his own name and for his own use and absolutely in his own right shares of the capital stock of the company upon which at least $500 has been paid into the capital account of the corporation and has paid in cash all calls and instalments due thereon and all liabilities incurred by him to the company.

R.S.O. 1960, c. 71, amended

10. *The Corporations Act* is amended by adding thereto the following section:

Order for compliance

341*a*.—(1) Where it appears to the Commission that any person or company to which section 71*a*, subsection 1 of section 75*b*, or subsection 1 of section 75*c* applies has failed to comply with or is contravening any such provision, notwithstanding the imposition of any penalty in respect of such non-compliance or contravention, the Commission may apply to a judge of the High Court designated by the Chief Justice of the High Court for an order directing such person or company to comply with such provision or for an order restraining such person or company from contravening such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Court of Appeal from an order made under subsection 1.

Commencement

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Corporations Amendment Act, 1968-69*.

CHAPTER 17

An Act to amend The Corporations Information Act

Assented to June 18th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Corporations Information Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 72, s. 1, amended

(*aa*) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council.

2.—(1) Subsection 1 of section 3 of *The Corporations Information Act* is amended by striking out "Provincial Secretary" in the eighth line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 72, s. 3, subs. 1, amended

(2) Subsection 5*a* of the said section 3, as enacted by section 1 of *The Corporations Information Amendment Act, 1961-62* and amended by subsection 1 of section 1 of *The Corporations Information Amendment Act, 1962-63*, is further amended by striking out "Provincial Secretary" in the second line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 72, s. 3, subs. 5*a* (1961-62, c. 22, s. 1), amended

(3) Subsection 5*b* of the said section 3, as enacted by section 1 of *The Corporations Information Amendment Act, 1961-62*, is amended by striking out "Provincial Secretary" in the seventh line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 72, s. 3, subs. 5*b* (1961-62, c. 22, s. 1), amended

(4) Subsection 8*a* of the said section 3, as enacted by subsection 4 of section 1 of *The Corporations Information Amendment Act, 1962-63*, is amended by striking out "Provincial Secretary" in the fourth line and in the fifth line and inserting in lieu thereof in each instance "Minister". R.S.O. 1960, c. 72, s. 3, subs. 8*a* (1962-63, c. 25, s. 1, subs. 4), amended

(5) Subsection 10 of the said section 3, as re-enacted by section 2 of *The Corporations Information Amendment Act, 1966*, is amended by striking out "Provincial Secretary" in the fourth line and inserting in lieu thereof "Minister". R.S.O. 1960 c. 72, s. 3, subs. 10 (1966, c. 29, s. 2), amended

R.S.O. 1960, c. 72, s. 3, subs. 11, amended

(6) Subsection 11 of the said section 3 is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960, c. 72, s. 3, subs. 13, amended

(7) Subsection 13 of the said section 3 is amended by striking out "Provincial Secretary" in the second line, in the second and third lines and in the eighth line, and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960, c. 72, s. 3, subs. 14 (1962-63, c. 25, s. 1, subs. 4), amended

(8) Subsection 14 of the said section 3, as enacted by subsection 4 of section 1 of *The Corporations Information Amendment Act, 1962-63*, is amended by striking out "Provincial Secretary" in the second line, in the third line, in the third and fourth lines, in the seventh line and in the fourteenth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960, c. 72, s. 4, amended

3. Section 4 of *The Corporations Information Act* is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister".

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Corporations Information Amendment Act, 1968-69*.

CHAPTER 18

An Act to amend The Corporations Tax Act

Assented to April 1st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1—(1) Subsection 1 of section 5 of *The Corporations Tax Act* is amended by striking out "one-twentieth" in the third and fourth lines and inserting in lieu thereof "one-tenth", so that the subsection shall read as follows: R.S.O. 1960, c. 73, s. 5, subs. 1, amended

(1) Except as in this section otherwise provided, every corporation that has a permanent establishment in Ontario shall for every fiscal year of the corporation pay a tax of one-tenth of 1 per cent calculated on its taxable paid-up capital. Rate of general capital tax

(2) The said section 5 is amended by adding thereto the following subsection: R.S.O. 1960, c. 73, s. 5, amended

(1*a*) Notwithstanding subsection 3, the tax payable under this section shall in no case be less than $50 except as provided in subsection 17. Minimum tax

(3) Subsection 2 of the said section 5 is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 5, subs. 2, re-enacted

(2) The tax imposed by this section is not payable by any corporation that is liable to a tax under section 7, 8, 9, 10, 11 or 13. Exceptions

(4) Subsection 3 of the said section 5 is amended by striking out "one-twentieth" in the third line and inserting in lieu thereof "one-tenth", so that the subsection shall read as follows: R.S.O. 1960, c. 73, s. 5, subs. 3, amended

(3) There may be deducted from the tax otherwise payable by a corporation under this section for a fiscal year an amount equal to one-tenth of 1 per cent Deductions from tax on paid-up capital, allocation of taxable paid-up capital

cent of that portion of the taxable paid-up capital which is deemed to be used by the corporation in the fiscal year in each jurisdiction outside Ontario.

R.S.O. 1960, c. 73, s. 5, subs. 17, re-enacted

(5) Subsection 17 of the said section 5 is repealed and the following substituted therefor:

Idem

(17) Except as provided in section 58, every corporation referred to in clauses *b*, *c*, *d*, *e*, *ea*, *f*, *g*, *h*, *j*, *k*, *o* and *p* of subsection 37 of section 4 shall, in lieu of the taxes payable under subsections 1 and 1*a*, pay a tax of $5.

Idem

(18) Every corporation referred to in clauses *i*, *l* and *m* of subsection 37 of section 4 and subsection 1 of section 45 shall, in lieu of the tax payable under subsection 1, pay a tax of $50.

R.S.O. 1960, c. 73, s. 6, repealed

2. Section 6 of *The Corporations Tax Act*, as amended by section 4 of *The Corporations Tax Amendment Act, 1961-62* and section 5 of *The Corporations Tax Amendment Act, 1968*, is repealed.

R.S.O. 1960, c. 73, s. 12, repealed

3. Section 12 of *The Corporations Tax Act* is repealed.

R.S.O. 1960, c. 73, s. 42, subs. 1, amended

4. Subsection 1 of section 42 of *The Corporations Tax Act* is amended by striking out "or 5" in the first line, so that the subsection shall read as follows:

Personal corporations exempt

(1) No tax is payable under section 4 by a corporation for a fiscal year during which it was a personal corporation.

R.S.O. 1960, c. 73, s. 45, subs. 1, amended

5. Subsection 1 of section 45 of *The Corporations Tax Act* is amended by striking out "or 5" in the first line, so that the subsection shall read as follows:

Non-resident-owned investment corporations, tax exempt

(1) No tax is payable under section 4 by a corporation for a fiscal year during which it was a non-resident-owned investment corporation.

R.S.O. 1960, c. 73, s. 46, subs. 1, re-enacted

6. Subsection 1 of section 46 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Foreign business corporations, tax exempt

(1) No tax is payable under section 4 by a corporation for a fiscal year during which it was a foreign business corporation.

R.S.O. 1960, c. 73, s. 48, subs. 4, repealed

7. Subsection 4 of section 48 of *The Corporations Tax Act* is repealed.

8.

8. Subsection 1 of section 58 of *The Corporations Tax Act* is amended by striking out "subsection 17 of section 5" in the second and third lines and by striking out "8 of section 6" in the third and fourth lines and inserting in lieu thereof "17 of section 5", so that the subsection shall read as follows: R.S.O. 1960, c. 73, s. 58, subs. 1, amended

(1) Where a corporation to which the exemptions provided by subsection 37 of section 4 and the specially reduced tax provided by subsection 17 of section 5 would otherwise apply is prescribed by regulation, such exemptions and specially reduced tax do not apply. Application of Act to certain corporations

9.—(1) Section 74 of *The Corporations Tax Act*, as amended by section 9 of *The Corporations Tax Amendment Act, 1967* and section 36 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 73, s. 74, amended

(2*a*) Notwithstanding subsection 2, every corporation on which a tax is imposed by this Act, the fiscal year of which commenced after the 15th day of March, 1969, shall pay to the Treasurer of Ontario, Dates of payment

(*a*) on or before the fifteenth day of each of the third, fifth, seventh, ninth and eleventh months of the fiscal year in respect of which the tax is payable and on or before the fifteenth day of the first month of the fiscal year following that in respect of which the tax is payable, an instalment equal to one-sixth of the tax payable as estimated by it at the rates for the taxation year on,

(i) its estimated taxable income and other subject of tax for the fiscal year, or

(ii) its taxable income and other subject of tax for the immediately preceding fiscal year; and

(*b*) on or before the last day on which a return is required to be delivered under subsection 1 of section 71, the balance, if any, of the tax payable as estimated by it on the return for the fiscal year.

(2) Subsection 3 of the said section 74 is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 74, subs. 3, re-enacted

(3)

Special cases

(3) Notwithstanding subsections 2 and 2*a* and subject to subsection 7 of section 75, where for the purposes of this section any corporation estimates the amount of tax payable for a fiscal year to be less than $300, the corporation may, instead of paying the instalments required by subsection 2 or 2*a*, pay such tax on or before the fifteenth day of the first month of the fiscal year following that in respect of which the tax is payable.

R.S.O. 1960, c. 73, s. 74, amended

(3) The said section 74 is further amended by adding thereto the following subsections:

Idem

(4) Notwithstanding subsection 2, every corporation, except those corporations to which the provisions of section 7, 8, 9, 10 or 11 apply, the fiscal year of which commenced prior to the 15th day of March, 1969, and ends on or after the 15th day of March, 1969, shall, in addition to any instalment of tax otherwise payable on or before the fifteenth day of the second month following the close of such fiscal year, pay the balance or whole of the capital tax remaining unpaid as imposed by this Act based on a rate of one-tenth of 1 per cent of the taxable paid-up capital as it stood at the close of such fiscal year.

Idem

(5) Notwithstanding subsection 2, every corporation to which the provisions of section 7, 8, 9, 10 or 11 apply, the fiscal year of which commenced prior to the 15th day of March, 1969, and ends on or after the 15th day of March, 1969, shall, in addition to any instalment of tax otherwise payable on or before the fifteenth day of the second month following the close of such fiscal year, pay the balance or whole of the taxes payable under those sections remaining unpaid, determined on the amount of mileage or other subject referred to in the said sections in respect of which the amount of tax is to be ascertained as such mileage or other subject of tax stood at the close of such fiscal year.

R.S.O. 1960, c. 73, s. 75, subs. 1, amended

10.—(1) Subsection 1 of section 75 of *The Corporations Tax Act*, as amended by subsection 1 of section 37 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out "the rate of 9 per cent per annum" in the eighth line and in the amendment of 1968 and inserting in lieu thereof "such rate as is prescribed by the regulations", so that the subsection shall read as follows:

Interest on unpaid tax

(1) Where the amount paid on account of tax payable by a corporation for a fiscal year before the expiration of the time allowed for delivering of the return of the corporation under section 71 is less than the amount of tax payable for the fiscal year, the corporation liable to pay the tax shall pay interest on the difference between those two amounts from the expiration of the time for delivering the return to the date of payment at such rate as is prescribed by the regulations.

R.S.O. 1960, c. 73, s. 75, subs. 2, re-enacted

(2) Subsection 2 of the said section 75, as amended by subsection 2 of section 37 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

Idem

(2) Where a corporation is required by subsection 2, 2*a*, 4 or 5 of section 74 to pay a part or instalment of tax and it has failed to pay all or any part thereof as required, the corporation, in addition to the interest payable under subsection 1, shall pay interest, at such rate as is prescribed by the regulations, on the amount it failed to pay from the day on or before which it was required to make the payment to the day of payment or the beginning of the period in respect of which it becomes liable to pay interest thereon under subsection 1, whichever is earlier.

R.S.O. 1960, c. 73, s. 78, subs. 3, amended

11.—(1) Subsection 3 of section 78 of *The Corporations Tax Act*, as amended by subsection 3 of section 40 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out "the rate of 4 per cent per annum" in the third line and in the amendment of 1968 and inserting in lieu thereof "such rate as is prescribed by the regulations", so that the first five lines of the subsection shall read as follows:

Interest on over-payments

(3) Where an amount in respect of an overpayment is refunded or applied under this section on other liability, interest at such rate as is prescribed by the regulations shall be paid or applied thereon for the period commencing with the latest of,

. . . . . .

R.S.O. 1960, c. 73, s. 78, subs. 4, amended

(2) Subsection 4 of the said section 78, as amended by subsection 4 of section 40 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out "7 per cent instead of at 4 per cent" in the amendment of 1968 and inserting in lieu thereof "such rate as is prescribed by the regulations", so that the subsection shall read as follows:

Idem

(4) Where by a decision of the Minister under section 79 or by a decision of a court it is finally determined that the tax payable under this Act by a corporation for a fiscal year is less than the amount assessed by the assessment under section 76 to which objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment for the fiscal year, the interest payable under subsection 3 on that overpayment shall be computed at such rate as is prescribed by the regulations.

R.S.O. 1960, c. 73, s. 99, amended

12. Section 99 of *The Corporations Tax Act*, as amended by section 54 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following clause:

(*f*) prescribing rates of interest for the purposes of Part V.

R.S.O. 1960, c. 73, s. 100, repealed

13. Section 100 of *The Corporations Tax Act* is repealed.

Application of Act

14.—(1) Sections 1, 2, 3, 4, 5, 6, 7 and 8 apply with respect to fiscal years ending on or after the 15th day of March, 1969.

Idem

(2) Subsection 2 of section 9 applies with respect to fiscal years commencing after the 15th day of March, 1969.

Idem

(3) Subsection 2 of section 10 with respect to the reference to subsection 2*a* applies to fiscal years commencing after the 15th day of March, 1969, and with respect to the reference to subsections 4 and 5 applies to fiscal years commencing before the 15th day of March, 1969, and ending on or after the 15th day of March, 1969.

Commencement

15.—(1) This Act, except sections 10 and 11, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 10 and 11 come into force on the 15th day of April, 1969.

Short title

16. This Act may be cited as *The Corporations Tax Amendment Act, 1968-69*.

CHAPTER 19

An Act to amend The Corporations Tax Act

Assented to December 17th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 21 of subsection 1 of section 1 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 1, subs. 1, par. 21, re-enacted

21. "insurance corporation" or "insurer" means a corporation that carries on an insurance business.

2.—(1) Section 2 of *The Corporations Tax Act*, as amended by subsection 1 of section 2 of *The Corporations Tax Amendment Act, 1961-62*, section 1 of *The Corporations Tax Amendment Act, 1967* and section 2 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 73, s. 2, amended

(*7aa*) Where a corporation incorporated under the laws of a jurisdiction outside Canada that has entered into a Tax Convention or Treaty with Canada for the fiscal year has elected to be taxed under Part I of the *Income Tax Act* (Canada) pursuant to section 110 of the *Income Tax Act* (Canada) and owns land in a province or territory but does not otherwise have a permanent establishment in Canada, such land shall be deemed to be a permanent establishment in the province or territory. Idem R.S.C. 1952, c. 148

(2) Subsection 7*b* of the said section 2, as enacted by section 2 of *The Corporations Tax Amendment Act, 1968*, is amended by striking out "and 7*a*" in the first line and inserting in lieu thereof "7*a* and 7*aa*", so that the subsection shall read as follows: R.S.O. 1960, c. 73, s. 2, subs. 7*b* (1968, c. 20, s. 2), amended

(7*b*) For the purposes of subsections 7, 7*a* and 7*aa*, a corporation "owns land" if it has a legal, equitable or beneficial interest in the land. Interpretation

R.S.O. 1960, c. 73, s. 4, subs. 6, cl. *j* (1968, c. 20, s. 3, subs. 1), amended

3.—(1) Clause *j* of subsection 6 of section 4 of *The Corporations Tax Act*, as enacted by subsection 1 of section 3 of *The Corporations Tax Amendment Act, 1968*, is amended by striking out "and 7*a*" in the second line and inserting in lieu thereof "7*a* and 7*aa*", so that the clause shall read as follows:

(*j*) where land which constitutes a permanent establishment in a province under subsections 7, 7*a* and 7*aa* of section 2 is sold, and the profit derived therefrom is included in the corporation's income, the gross revenue of the corporation derived from such sales for the fiscal year shall be attributed to that permanent establishment.

R.S.O. 1960, c. 73, s. 4, subs. 10, re-enacted

(2) Subsection 10 of the said section 4 is repealed and the following substituted therefor:

Insurance corporations, allocation of taxable income

(10) Notwithstanding subsection 5, the proportion of the taxable income of an insurance corporation that is resident in Canada and does not carry on a life insurance business, that shall be deemed to have been earned in a fiscal year in a jurisdiction outside Ontario is that proportion of its taxable income for the fiscal year that the aggregate of,

(*a*) its net premiums for the year in respect of insurance on properties situated in that jurisdiction; and

(*b*) its net premiums for the year in respect of insurance other than on property, from contracts from persons resident in that jurisdiction,

is of the total net premiums for the fiscal year of the corporation.

Idem

(10*a*) Notwithstanding subsection 5, the proportion of the taxable income of an insurance corporation, other than an insurance corporation to which subsection 10 applies, that shall be deemed to have been earned in a fiscal year in a province or territory of Canada, outside Ontario, is that proportion of its taxable income for the fiscal year that the aggregate of,

(*a*) its net premiums for the year in respect of insurance on properties situated in that province or territory of Canada, outside Ontario; and

(*b*) its net premiums for the year in respect of insurance, other than on property, from contracts from persons resident in that province or territory of Canada, outside Ontario,

is of the total net premiums for the fiscal year in respect of insurance on properties situated in Canada and with respect to contracts with persons resident in Canada.

R.S.O. 1960, c. 73, s. 4, subs. 11, amended

(3) Subsection 11 of the said section 4 is amended by inserting after "10" in the first line "and 10*a*".

R.S.O. 1960, c. 73, s. 4, subs. 12, amended

(4) Subsection 12 of the said section 4 is amended by inserting after "10" in the first line "and 10*a*".

R.S.O. 1960, c. 73, s. 4, subs. 27, re-enacted

(5) Subsection 27 of the said section 4 is repealed and the following substituted therefor:

Idem

(27) For the purpose of subsection 26, "payload capacity" of an aircraft means,

(*a*) for a type of aircraft listed in Schedule G to the Regulations made under the *Income Tax Act* (Canada), the number of pounds shown therein for that aircraft; and

R.S.C. 1952, c. 148

(*b*) for a type of aircraft not listed in Schedule G to the Regulations made under the *Income Tax Act* (Canada), the average maximum commercial load expressed in pounds of the aircraft with fuel and oil tanks half full as determined by the Minister.

R.S.O. 1960, c. 73, s. 4, subs. 34, cl. *b*, re-enacted

(6) Clause *b* of subsection 34 of the said section 4 is repealed and the following substituted therefor:

(*b*) its taxable income computed under section 31 of the *Income Tax Act* (Canada) was its total taxable income; and

. . . . . .

R.S.O. 1960, c. 73, s. 4, subss. 34*a*, 34*b* (1968, c. 20, s. 3, subs. 5), re-enacted

(7) Subsections 34*a* and 34*b* of the said section 4, as enacted by subsection 5 of section 3 of *The Corporations Tax Amendment Act, 1968*, are repealed and the following substituted therefor:

Idem

(34*a*) Where a corporation to which subsection 7*a* of section 2 applies and where it is not liable to taxation by virtue of subsection 2 of section 2 of the *Income Tax Act* (Canada) as measured under section 31 of

that

that Act, owns land in Ontario or owns land in Ontario and other provinces and territories of Canada, this section applies as though,

(*a*) the corporation had no permanent establishment outside Canada;

(*b*) the taxable income arising from the sale or rental of land in Canada were its total taxable income; and

(*c*) such taxable income were allocated among the provinces and territories of Canada in accordance with such of those subsections referred to in clause *c* of subsection 34 as are applicable on the assumption that the permanent establishments of the corporation in the provinces and territories of Canada are its only permanent establishments and that the amounts and proportions referred to in such of those subsections as are applicable relate exclusively to the activity of the corporation at those permanent establishments.

Idem

(34*b*) Where a corporation to which subsection 7*aa* of section 2 applies owns land in Ontario or owns land in Ontario and other provinces and territories of Canada, this section applies as though,

(*a*) the corporation had no permanent establishment outside Canada;

(*b*) the taxable income arising from the sale or rental of land in Canada were its total taxable income; and

(*c*) such total taxable income were allocated among the provinces and territories of Canada in accordance with such of those subsections referred to in subsection 34 as are applicable, on the assumption that the permanent establishments of the corporation in the provinces and territories of Canada are its only permanent establishments and that the amounts and proportions referred to in such of those subsections as are applicable relate exclusively to the activity of the corporation at those permanent establishments.

(8) The said section 4, as amended by section 3 of *The Corporations Tax Amendment Act, 1961-62*, section 1 of *The Corporations Tax Amendment Act, 1962-63*, section 2 of *The Corporations Tax Amendment Act, 1967* and section 3 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following subsections: R.S.O. 1960, c. 73, s. 4, amended

(37*a*) Subsection 37 does not apply in respect of the taxable income of a benevolent or fraternal benefit society or order from carrying on a life insurance business. Subsection 37 not applicable

(37*b*) For the purpose of subsection 37*a*, the taxable income of a benevolent or fraternal benefit society or order from carrying on a life insurance business shall be computed on the assumption that it had no income or loss from any other source. Idem

4. Subsection 16 of section 5 of *The Corporations Tax Act*, as re-enacted by section 4 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 5, subs. 16 (1968, c. 20, s. 4), re-enacted

(16) In the case of a corporation to which subsection 34, 34*a* or 34*b* of section 4 applies, the paid-up capital thereof shall, notwithstanding section 68, be deemed to be either, Paid-up capital of foreign corporations

(*a*) the amount of which its taxable income determined for the purposes of this Act would be 8 per cent; or

(*b*) the amount that equals the difference between,

(i) the amount of the total assets of the corporation in Canada, and

(ii) the amount of the indebtedness of the corporation relating to its permanent establishments in Canada but excluding therefrom all amounts that are advanced or loaned to its permanent establishments in Canada by the corporation itself or by any other corporation, and all other indebtedness that is represented by bonds, bond mortgages, debentures, income bonds, income debentures, mortgages, lien notes and any other securities to which the property in Canada or any of it is subject,

whichever

whichever is greater and, in such case, this section shall apply as though,

(*c*) the corporation had no permanent establishment outside Canada;

(*d*) the paid-up capital as so determined were the total paid-up capital of the corporation; and

(*e*) the taxable capital of the corporation as determined for the purposes of this Act were allocated among the provinces and territories of Canada in accordance with such of those subsections referred to in clause *c* of subsection 34 of section 4 as are applicable, on the assumption that the permanent establishments of the corporation in the provinces and territories of Canada are its only permanent establishments and that the amounts and proportions referred to in such of those subsections as are applicable relate exclusively to the activity of the corporation at those permanent establishments.

R.S.O. 1960, c. 73, amended

5. *The Corporations Tax Act* is amended by adding thereto the following section:

Apportionment of capital and other tax

5*a*. Where a corporation has a fiscal year of less than 365 days, the tax otherwise payable by it under section 5, 7, 8, 9, 10 or 11 shall be in the proportion thereof that the number of days of such fiscal year bears to the number of days of the immediately preceding fiscal year or 365, whichever is greater, except that this section does not apply to any corporation to which subsection 1*a* or 18 of section 5 applies.

R.S.O. 1960, c. 73, s. 13, subs. 3, re-enacted

6. Subsection 3 of section 13 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Exemption

(3) The tax imposed by subsection 1 is not payable in respect of premiums payable under a contract of marine insurance or by,

(*a*) mutual insurance corporations insuring agricultural and other non-hazardous risks on the premium note plan, the sole business of which is carried on in Ontario;

R.S.O. 1960, c. 190

(*b*) fraternal societies and mutual benefit societies as defined in *The Insurance Act*; or

(*c*) pension fund and employees' mutual benefit societies incorporated under or subject to *The Corporations Act*. R.S.O. 1960, c. 71

7. Subsection 9 of section 31 of *The Corporations Tax Act*, as re-enacted by subsection 4 of section 14 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 31, subs. 9 (1968, c. 20, s. 14, subs. 4), re-enacted

(9) Paragraph 8 of subsection 6 does not apply in respect of a grant authorized to be paid under an *Appropriation Act* (Canada), the *Industrial Research and Development Incentives Act* (Canada) and the *Area Development Incentives Act* (Canada) and approved by the Minister. Application of subs. 6, par. 8, 1966, c. 82 (Can.), 1965, c. 12 (Can.)

8. Section 35 of *The Corporations Tax Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 73, s. 35, amended

(2) Where a person has at any time before the end of a fiscal year, whether before or after the commencement of this Act, transferred or assigned to a corporation with whom the person was not dealing at arm's length the right to an amount that would, if the right thereto had not been so transferred or assigned, be included in computing the income of the person for the fiscal year because the amount would have been received or receivable by the person in or in respect of the fiscal year, the amount shall be included in computing the income of the person for the fiscal year unless the income is from property and the person has also transferred or assigned the property. Idem

9. Subsection 5 of section 39 of *The Corporations Tax Act*, as enacted by section 14 of *The Corporations Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 39, subs. 5 (1961-62, c. 23, s. 14), re-enacted

(5) Paragraphs 1 and 2 of subsection 1 do not apply to permit a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, any amount in respect of gifts made by the corporation in the fiscal year, until the amount deductible under those paragraphs in respect of gifts made by the corporation in the immediately preceding fiscal year has been deducted. Application of section 39, subs. 1, pars. 1, 2

10. Section 41 of *The Corporations Tax Act* is repealed. R.S.O. 1960, c. 73, s. 41, repealed

11. Clause *a* of subsection 2 of section 42 of *The Corporations Tax Act* is amended by striking out "Ontario" in R.S.O. 1960, c. 73, s. 42, subs. 2, cl. *a*, amended

the

the fourth line and in the fifth line and inserting in lieu thereof in each instance "Canada", so that the clause shall read as follows:

(*a*) was controlled, whether through holding of the majority of the shares of the corporation or in any other manner whatsoever, by an individual resident in Canada, by such individual and one or more members of his family who were resident in Canada or by any other person on his or their behalf.

R.S.O. 1960, c. 73, s. 43, re-enacted

12. Section 43 of *The Corporations Tax Act* is repealed and the following substituted therefor:

INSURANCE CORPORATIONS

"insurance corporation" and "insurer" defined

43.—(1) For the purpose of this section, an "insurance corporation" or "insurer" means any corporation to which section 68A of the *Income Tax Act* (Canada) applies.

Calculation of taxable income

R.S.C. 1952, c. 148

(2) Notwithstanding any other provision of this Act and in order that insurance corporations or insurers may be dealt with under this Act as they will be dealt with under Part I of the *Income Tax Act* (Canada) for fiscal years commencing or ending in 1969 and for subsequent fiscal years, it is hereby declared that the taxable incomes of such corporations for the purposes of this Act shall be the same as the taxable incomes of such corporations as determined for the purposes of Part I of the *Income Tax Act* (Canada).

R.S.O. 1960, c. 73, s. 46, subs. 2, cl. *d*, amended

13.—(1) Clause *d* of subsection 2 of section 46 of *The Corporations Tax Act* is amended by striking out "6" in the fourth line and inserting in lieu thereof "5", so that the clause shall read as follows:

(*d*) filed a return for the fiscal year in the form and within the period of time required by section 71 and within the same time paid the tax levied by section 5; or

. . . . .

R.S.O. 1960, c. 73, s. 46, subs. 2, cl. *e*, amended

(2) Clause *e* of subsection 2 of the said section 46 is amended by striking out "6" in the third line and inserting in lieu thereof "5", so that the clause shall read as follows:

(*e*)

(*e*) within 370 days from the end of the fiscal year, filed a return for the fiscal year in the form required by section 71 and paid the tax imposed by section 5 plus a penalty for late filing equal to $10 for each day of delay after the expiration of the period of time from the end of the fiscal year within which section 71 requires the filing of a return.

R.S.O. 1960, c. 72, s. 47, subs. 1 (1968, c. 20, s. 20, subs. 1), cl. *c*, amended

14.—(1) Clause *c* of subsection 1 of section 47 of *The Corporations Tax Act*, as re-enacted by subsection 1 of section 20 of *The Corporations Tax Amendment Act, 1968*, is amended by striking out "the *Industrial Research and Development Incentives Act*" in the third and fourth lines and inserting in lieu thereof "an *Appropriation Act*".

R.S.O. 1960 c. 73, s. 47, subs. 1 (1968, c. 20, s. 20, subs. 1), amended

(2) Subsection 1 of the said section 47 is amended by striking out "the *Industrial Research and Development Incentives Act*" in the fiftieth and fifty-first lines and inserting in lieu thereof "an *Appropriation Act*".

R.S.O. 1960, c. 73, s. 47, subs. 2 (1962-63, c. 26, s. 6, subs. 3), re-enacted

(3) Subsection 2 of the said section 47, as re-enacted by subsection 3 of section 6 of *The Corporations Tax Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Determination of what constitutes scientific research R.S.C. 1952, c. 48

(2) Where any particular activity constitutes scientific research for the purposes of subsection 2 of section 72 of the *Income Tax Act* (Canada), such particular activity shall constitute scientific research for the purposes of this Act.

R.S.O. 1960, c. 73, s. 57, subs. 5, amended

15. Subsection 5 of section 57 of *The Corporations Tax Act*, as amended by subsection 7 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, is further amended by striking out "4" in the first line and inserting in lieu thereof "4*a*".

R.S.O. 1960, c. 73, s. 65, subs. 2, par. 7, amended

16.—(1) Paragraph 7 of subsection 2 of section 65 of *The Corporations Tax Act* is amended by striking out "purpose of paragraph 1" in the first line and inserting in lieu thereof "purposes of paragraphs 1 and 2", so that the paragraph shall read as follows:

Charitable donations

7. For the purposes of paragraphs 1 and 2 of subsection 1 of section 39, gifts made by a predecessor corporation in its last fiscal year shall, to the extent that they were not deductible in computing its taxable income for that fiscal year, be deemed to have been made by the new corporation in a fiscal year immediately preceding its first fiscal year.

R.S.O. 1960, c. 73, s. 65, subs. 3, amended

(2) Subsection 3 of the said section 65, as amended by subsection 5 of section 7 of *The Corporations Tax Amendment Act, 1960-61*, subsection 3 of section 22 of *The Corporations Tax Amendment Act, 1961-62* and subsection 2 of section 9 of *The Corporations Tax Amendment Act, 1962-63*, is further amended by striking out "1" in the sixty-second line and inserting in lieu thereof "9".

R.S.O. 1960, c. 73, s. 70, subs. 2, re-enacted

17. Subsection 2 of section 70 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Idem

(2) Any tax imposed by this Act that is to be calculated in respect of,

(*a*) the taxable income of a corporation; or

(*b*) the gross premiums that become payable to insurance corporations,

shall be calculated with reference to the taxable income earned or the gross premiums that become payable, as the case may be, during the fiscal year of the corporation for which the respective tax is imposed.

R.S.O. 1960, c. 73, s. 75, subs. 2 (1968-69, c. 18, s. 10, subs. 2), amended

18. Subsection 2 of section 75 of *The Corporations Tax Act*, as re-enacted by subsection 2 of section 10 of *The Corporations Tax Amendment Act, 1968-69*, is amended by striking out "4 or 5 of section 74 to pay" in the second line and inserting in lieu thereof "3, 4 or 5 of section 74 to pay all or", so that the subsection shall read as follows:

Idem

(2) Where a corporation is required by subsection 2, 2*a*, 3, 4 or 5 of section 74 to pay all or a part or instalment of tax and it has failed to pay all or any part thereof as required, the corporation, in addition to the interest payable under subsection 1, shall pay interest, at such rate as is prescribed by the regulations, on the amount it failed to pay from the day on or before which it was required to make the payment to the day of payment or the beginning of the period in respect of which it becomes liable to pay interest thereon under subsection 1, whichever is earlier.

R.S.O. 1960, c. 73, s. 79, amended

19. Section 79 of *The Corporations Tax Act*, as amended by section 41 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following subsection:

Idem

(2*a*) The Minister may accept a notice of objection under this section notwithstanding that it was not served in duplicate or in the manner required by subsection 2.

20. Subsection 1 of section 91 of *The Corporations Tax Act* is amended by inserting after "and" where it occurs the first time in the third line "subject to the *Bankruptcy Act* (Canada)", so that the subsection shall read as follows: R.S.O. 1960, c. 73, s. 91, subs. 1, amended

(1) All taxes, interest, penalties, costs and other amounts payable under this Act are debts due to Her Majesty and subject to the *Bankruptcy Act* (Canada) are a first lien and charge upon the property in Ontario of the corporation liable to pay such taxes, interest, penalties, costs and other amounts, but such lien and charge does not apply to any mine as defined in *The Mining Tax Act* until the corporation owning the mine has become liable for the payment of a tax on mining profits under *The Mining Tax Act*. Priority of tax; R.S.C. 1952, c. 14; R.S.O. 1960, c. 242

21.—(1) Subsection 1 of section 92 of *The Corporations Tax Act*, as amended by subsection 1 of section 49 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out "Minister" in the second instance in the amendment of 1968 and inserting in lieu thereof "Treasurer". R.S.O. 1960, c. 73, s. 92, subs. 1, amended

(2) Subsection 2 of the said section 92, as amended by subsection 2 of section 49 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out "Minister" in the amendment of 1968 and inserting in lieu thereof "Treasurer". R.S.O. 1960, c. 73, s. 92, subs. 2, amended

(3) Subsection 3 of the said section 92, as amended by subsection 3 of section 49 of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out "Minister" in the amendment of 1968 and inserting in lieu thereof "Treasurer". R.S.O. 1960, c. 73, s. 92, subs. 3, amended

22. Section 99 of *The Corporations Tax Act*, as amended by section 54 of *The Corporations Tax Amendment Act, 1968*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 73, s. 99, amended

(2) A regulation is, if it so provides, effective with reference to a period before it was filed. Idem

23.—(1) Section 1, subsections 2, 3, 4 and 8 of section 3, and sections 6, 10 and 12 apply with respect to the 1969 and subsequent fiscal years. Application of Act

(2) Section 5 applies with respect to fiscal years ending on or after the 15th day of March, 1969. Idem

24. This Act comes into force on the day it receives Royal Assent. Commencement

25. This Act may be cited as *The Corporations Tax Amendment Act, 1968-69 (No. 2)*. Short title

CHAPTER

CHAPTER 20

An Act to amend The County Judges Act

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The County Judges Act*, as re-enacted by section 1 of *The County Judges Amendment Act, 1968*, is amended by striking out "Carleton" in the second line, so that the subsection shall read as follows: R.S.O. 1960, c. 77, s. 2 (1968, c. 22, s. 1), subs. 1 amended

(1) A junior judge may be appointed for the county court of each of the counties of Lincoln and Welland and for the district court of each of the districts of Cochrane, Sudbury and Thunder Bay. Junior judges

(2) Subsection 2 of the said section 2 is repealed and the following substituted therefor: R.S.O. 1960, c. 77, s. 2 (1968, c. 22, s. 1), subs. 2, re-enacted

(2) Two junior judges may be appointed for the county court of the Regional Municipality of Ottawa-Carleton and of each of the counties of Essex and Wentworth. Idem

(3) Subsection 4 of the said section 2 is amended by striking out "Ten" in the first line and inserting in lieu thereof "Fourteen", so that the subsection shall read as follows: R.S.O. 1960, c. 77, s. 2 (1968, c. 22, s. 1), subs. 4 amended

(4) Fourteen junior judges may be appointed for the county court of the county of York. Idem

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The County Judges Amendment Act, 1968-69*. Short title

CHAPTER 21

An Act to amend The Credit Unions Act

Assented to, except Section 1, May 8th, 1969
Section 1 assented to October 31st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Credit Unions Act*, as amended by section 1 of *The Credit Unions Amendment Act, 1960-61* and section 1 of *The Credit Unions Amendment Act, 1964*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 79, s. 1, amended

(*da*) "Minister" means the Minister of Financial and Commercial Affairs.

(2) The said section 1 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 79, s. 1, amended

(2) Any reference in this Act to the Provincial Secretary shall be deemed to be a reference to the Minister. Reference to Provincial Secretary

2. Section 23 of *The Credit Unions Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 79, s. 23, re-enacted

23.—(1) A corporation may become a member of a credit union where, Corporate members

(*a*) in the case of a corporation having share capital, the persons holding equity shares carrying at least 51 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding are members of that credit union;

(*b*) in the case of a corporation without share capital, at least 51 per cent of the members of the corporation are members of that credit union.

(2) A credit union shall not make a loan to a member that is a corporation unless the loan is approved by Loans to corporate members

a joint meeting of the board of directors, the credit committee and the supervisory committee of the credit union.

R.S.O. 1960, c. 79, s. 40, re-enacted; s. 41, repealed

3.—(1) Sections 40 and 41 of *The Credit Unions Act* are repealed and the following substituted therefor:

Payment of moneys re deceased member

40.—(1) Where a member of a credit union dies, the directors may pay,

(*a*) an amount not exceeding $1,250 out of the amount on deposit in the name of the deceased or for the shares of the deceased; and

(*b*) an amount not exceeding $1,250 out of any money that is received by the credit union under any policy of insurance on the life of the deceased,

to any person who the directors are satisfied, by statutory declaration attested to not sooner than thirty days after the death, is entitled.

Effect of payment

(2) A payment made under subsection 1 discharges any obligation of the credit union or its directors in respect of the money paid but does not affect the right of any other person claiming to be entitled to recover such money from the person to whom it was paid.

Deposits or shares in trust

(3) Where a member of a credit union dies holding shares or money on deposit in his name in trust for a named beneficiary, the credit union may pay the amount of such shares or deposit to the executor or administrator of the estate of the deceased member, subject to the trusts or, where there is no executor or administrator, to the beneficiary or, where the beneficiary is an infant, to his parent or guardian.

Application R.S.O. 1960, c. 79

(2) The repeal of section 40 of *The Credit Unions Act* by subsection 1 shall not be construed to invalidate any nomination made under that section before this section comes into force.

R.S.O. 1960, c. 79, s. 53, subs. 6, re-enacted

4. Subsection 6 of section 53 of *The Credit Unions Act* is repealed and the following substituted therefor:

Assessment of members for league

(6) A credit union that is a member of a league may by by-law provide for a yearly assessment of each of its members of an amount fixed by the by-law, which amount shall be paid to the league to assist in its financing.

5. Section 59 of *The Credit Unions Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 79, s. 59, amended

(4) Notwithstanding subsections 2 and 3, any credit union that is in default of filing the annual statement required by section 49 is liable on summary conviction to a fine of not more than $5 for each day such default continues. Failure to file annual statement

6. This Act comes into force on the day it receives Royal Assent. Commencement

7. This Act may be cited as *The Credit Unions Amendment Act, 1968-69*. Short title

CHAPTER

CHAPTER 22

An Act to amend The Damage by Fumes Arbitration Act

Assented to April 1st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Damage by Fumes Arbitration Act* is amended by striking out "the smelting or roasting of nickel-copper ore or iron ore or from the treatment of sulphides for the production of sulphur or sulphuric acid for commercial purposes" in the third, fourth and fifth lines and inserting in lieu thereof "smelting, roasting, refining or otherwise treating ores or minerals", so that the subsection shall read as follows: R.S.O. 1960, c. 86, s. 2, subs. 1, amended

(1) Where damage is occasioned directly or indirectly to crops, trees or other vegetation by sulphur fumes arising from smelting, roasting, refining or otherwise treating ores or minerals, such damage may, subject to section 3, be determined by the arbitrator who has exclusive jurisdiction to determine the amount of such damage and to make an award. Damage to crops, etc.

2. Section 6 of *The Damage by Fumes Arbitration Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 86, s. 6, re-enacted

6.—(1) A sum not exceeding $50,000 in any year to cover the expenses of administering this Act, including the salary or other remuneration of the arbitrator and his assistants, is payable annually to the Province by the companies smelting, roasting, refining or otherwise treating ores or minerals in a manner that may result in the escape or release into the open air of sulphur fumes. Expenses

(2) The arbitrator at the close of each calendar year shall assess the amount for which each company smelting, roasting, refining or otherwise treating ores or minerals in a manner that may result in the Assessment

escape

escape or release into the open air of sulphur fumes is liable under subsection 1, and the amount so assessed against each company is payable to the Treasurer of Ontario within fifteen days after the mailing of a registered letter demanding payment thereof addressed to the last known address of the company, but every assessment so made is subject to the approval of the Minister of Health.

Commencement

3. This Act comes into force on the 1st day of January, 1969.

Short title

4. This Act may be cited as *The Damage by Fumes Arbitration Amendment Act, 1968-69.*

CHAPTER 23

An Act to amend The Day Nurseries Act, 1966

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Day Nurseries Act, 1966* is repealed and the following substituted therefor: 1966, c. 37, s. 1, cl. *a*, re-enacted

(*a*) "band" and "council of the band" have the same meaning as in the *Indian Act* (Canada); R.S.C. 1952, c. 149

(*aa*) "Board" means the Board of Review established under section 5*b*;

(*ab*) "day nursery" means a place that receives for temporary custody for a continuous period not exceeding twenty-four hours more than three children under ten years of age not of common parentage and that is not,

(i) part of a public school under *The Public Schools Act*, R.S.O. 1960, c. 330

(ii) part of a separate school under *The Separate Schools Act*, R.S.O. 1960, c. 368

(iii) part of a private school registered under *The Department of Education Act*, or R.S.O. 1960, c. 94

(iv) a children's mental health centre under *The Children's Mental Health Centres Act, 1968-69*. 1968-69, c. 10

(2) Clause *b* of the said section 1 is amended by striking out "Public Welfare" in the second line and inserting in lieu thereof "Social and Family Services". 1966, c. 37, s. 1, cl. *b*, amended

(3) Clause *d* of the said section 1 is amended by striking out "Public Welfare" and inserting in lieu thereof "Social and Family Services". 1966, c. 37, s. 1, cl. *d*, amended

(4)

1966, c. 37, s. 1, cl. *e*, amended

(4) Clause *e* of the said section 1 is amended by striking out "or" in the first line and by inserting after "township" in the first and second lines "or county".

1966, c. 37, s. 3, subs. 2, re-enacted

2. Subsection 2 of section 3 of *The Day Nurseries Act, 1966* is repealed and the following substituted therefor:

Grants to Indian bands

(2) Where a council of the band establishes a day nursery, the band is entitled to the payment referred to in subsection 1 in the same manner as if the band were a municipality.

1966, c. 37, s. 4, subs. 1, amended

3.—(1) Subsection 1 of section 4 of *The Day Nurseries Act, 1966* is amended by striking out "Public Welfare" in the second line and inserting in lieu thereof "Social and Family Services".

1966, c. 37, s. 4, subs. 2, amended

(2) Subsection 2 of the said section 4 is amended by striking out "Public Welfare" in the fourth line and inserting in lieu thereof "Social and Family Services".

1966, c. 37, s. 5, subss. 2-6, repealed

4. Subsections 2, 3, 4, 5 and 6 of section 5 of *The Day Nurseries Act, 1966* are repealed.

1966, c. 37, amended

5. *The Day Nurseries Act, 1966* is amended by adding thereto the following sections:

Refusal or revocation of licence

5*a*. Subject to sections 5*b*, 5*c*, 5*d*, 5*e*, 5*f*, 5*g*, 5*h* and 5*i*, the Director may revoke or refuse to issue or renew a licence where,

(*a*) the operator does not comply with the regulations; or

(*b*) the day nursery is operated,

(i) in contravention of this Act or the regulations,

(ii) in breach of a term or condition of the licence, or

(iii) in a manner that, in the opinion of the Director, is contrary to the best interests of the public or of the children.

Board of Review

5*b*.—(1) The Lieutenant Governor in Council may appoint a board, consisting of not more than five members, to be known as the Board of Review and may designate one member of the Board as chairman.

Quorum

(2) Three members of the Board constitute a quorum.

(3) The members of the Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. Remuneration

5*c*.—(1) Where the Director refuses to issue or renew or proposes to revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation and a notice stating the right to a hearing by the Board, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen days after the receipt of the notice of refusal or proposed revocation, require a hearing by the Board. Where Director refuses to issue or renew or proposes to revoke

(2) The Board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed. Hearing by Board

(3) The notice of hearing shall contain, Contents of notice

(*a*) a statement of the time and place of the hearing;

(*b*) a reference to the rules of procedure applicable to the hearing; and

(*c*) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

5*d*.—(1) The Director, the applicant or licensee and any other person specified by the Board are parties to the hearing. Parties

(2) If a person who has been duly notified of a hearing does not attend, the Board may proceed in his absence and he is not entitled to notice of any further proceedings. Failure to attend

5*e*.—(1) A hearing may be adjourned from time to time by the Board on reasonable grounds, Adjournment

(*a*) on its own motion; or

(*b*) on the motion of any party to the hearing.

(2) The Board may command the attendance before it of any person as a witness. Subpoena

Oaths

(3) The Board may require any person,

(*a*) to give evidence on oath at a hearing; and

(*b*) to produce such documents and things as the Board requires.

Idem

(4) The Board may admit evidence not given under oath.

Evidence

(5) At a hearing before the Board,

(*a*) except where otherwise provided in this subsection, the common law and statutory rules of evidence apply;

(*b*) evidence not admissible under clause *a* may be admitted by the Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and

(*c*) the Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

Offences

(6) Any person who, without lawful excuse,

(*a*) on being duly summoned as a witness before the Board, makes default in attending; or

(*b*) being in attendance as a witness before the Board, refuses to take an oath legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or

(*c*) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforcement

(7) The Board may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after

hearing

hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of party to counsel

5*f*.—(1) Any party may be represented before the Board by counsel or agent.

Right of witness to counsel

(2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Rights of parties at hearing

(3) Any party who is present at a hearing before the Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Evidence

5*g*. Upon a review, the Board shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing.

Powers of Board

5*h*.—(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper, and for this purpose the Board may substitute its opinion for that of the Director.

Decision to be in writing

(2) The decision of the Board, including the reasons therefor, shall be in writing.

Contents of reasons for decision

(3) The reasons for the decision shall contain,

(*a*) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(*b*) any agreed findings of fact; and

(*c*) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of decision

(4) The Board shall serve each party with a copy of its decision, together with the reasons therefor and a notice stating the right to an appeal under section 5*i*.

Appeal

5*i*.—(1) Where the Board has held a hearing and given its decision, any party to the hearing may appeal to a justice of appeal of the Court of Appeal.

Form of appeal

(2) Every appeal under subsection 1 shall be by notice of motion served upon the chairman of the Board within thirty days after service of the decision of the Board under subsection 4 of section 5*h*, and the practice and procedure in relation to the appeal shall be the same as on an appeal from a judgment of a judge of the Supreme Court in an action.

Material on appeal

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court,

(*a*) the notices referred to in subsections 1 and 2 of section 5*c*;

(*b*) the decision of the Board together with the reasons therefor;

(*c*) any intermediate rulings or orders made in the course of the proceedings by the Board;

(*d*) a transcript of the oral evidence received at the hearing; and

(*e*) all written submissions to the Board and other material including documentary evidence received by it in connection with the hearing.

Power of judge on appeal

(4) Where an appeal is taken under this section, the judge may confirm or alter the decision of the Board or direct the Director to do any act the Director is authorized to do under this Act and as the judge considers proper, and for this purpose the judge may substitute his opinion for that of the Board.

Order of judge final

(5) The order of the judge is final.

1966, c. 37, s. 6, subss. 1, 2, re-enacted

6. Subsections 1 and 2 of section 6 of *The Day Nurseries Act, 1966* are repealed and the following substituted therefor:

Provincial supervisors

(1) The Minister may designate any employee of the Department of Social and Family Services as a provincial supervisor who may at all reasonable times and upon producing proper identification enter any day nursery or any premises that he on reasonable and probable grounds believes is being used as a day nursery and inspect the facilities and the books of account, enrolment records and other records therein.

(2) Every person when requested so to do by a provincial supervisor shall permit the entry and inspection by the supervisor of the premises referred to in subsection 1 and shall produce and permit inspection of the books of account, enrolment records and other records therein and supply extracts therefrom. Access for inspections

7.—(1) Clause *b* of section 7 of *The Day Nurseries Act, 1966* is repealed and the following substituted therefor: 1966, c. 37, s. 7, cl. *b*, re-enacted

(*b*) prescribing procedures for the issuance and renewal of licences by the Director.

(2) Clause *e* of the said section 7 is repealed and the following substituted therefor: 1966, c. 37, s. 7, cl. *e*, re-enacted

(*e*) prescribing additional duties of the Board.

8. Subsection 1 of section 8 of *The Day Nurseries Act, 1966* is amended by striking out "subsection 1 of" in the first line, so that the subsection shall read as follows: 1966, c. 37, s. 8, subs. 1, amended

(1) Every person who contravenes section 5 is guilty of an offence and on summary conviction is liable to a fine of not more than $20 for each day on which such offence continues. Penalties

9.—(1) This Act, except subsection 4 of section 1, comes into force on the day it receives Royal Assent. Commencement

(2) Subsection 4 of section 1 shall be deemed to have come into force on the 31st day of March, 1968. Idem

10. This Act may be cited as *The Day Nurseries Amendment Act, 1968-69.* Short title

CHAPTER

CHAPTER 24

An Act to amend The Department of Education Act

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Department of Education Act* is amended by striking out "continuation school board" in the second line, so that the clause shall read as follows: R.S.O. 1960, c. 94, s. 1, cl. *a*, amended

(*a*) "board" means public school board, separate school board, high school board or board of education.

2.—(1) Section 5 of *The Department of Education Act*, as amended by section 1 of *The Department of Education Amendment Act, 1964* and section 1 of *The Department of Education Amendment Act, 1966*, is further amended by striking out "calculating legislative grants, the Minister may add" in the first and second lines, and inserting in lieu thereof "recording attendance, the Minister may require to be added", so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 94, s. 5, amended

5. For the purpose of recording attendance, the Minister may require to be added to the actual aggregate attendance of a school the number of days attendance lost by pupils, Credits for attendance in special cases

. . . . . .

(2) The said section 5 is further amended by adding "or" at the end of clause *e* and by adding thereto the following clause: R.S.O. 1960, c. 94, s. 5, amended

(*f*) who were absent from school because of the school holidays referred to in paragraphs 2, 3, 4 and 5 of section 4 of *The Schools Administration Act* except the holiday appointed by the Governor General as Thanksgiving Day. R.S.O. 1960, c. 361

3.

R.S.O. 1960, c. 94, s. 11, subs. 1, cl. *c*, re-enacted

3. Clause *c* of subsection 1 of section 11 of *The Department of Education Act*, as amended by section 1 of *The Department of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

(*c*) grant a temporary or interim certificate of qualification as a teacher to a person who is a Canadian citizen or a landed immigrant and who is otherwise qualified.

R.S.O. 1960, c. 94, s. 12, subs. 3, amended

4.—(1) Subsection 3 of section 12 of *The Department of Education Act* is amended by adding thereto the following clause:

(*d*) governing estimates that a board is required to prepare and adopt and expenditures that may be made by a board for any purpose.

R.S.O. 1960, c. 94, s. 12, subs. 4, cl. *c*, amended

(2) Clause *c* of subsection 4 of the said section 12 is amended by striking out "and" at the end of subclause iii and by adding thereto the following subclauses:

(v) where territory without municipal organization is within the jurisdiction of one board, the board to appoint, with the approval of the Minister, one or more recreation committees for such territory without municipal organization, and

(vi) where territory without municipal organization is within the jurisdiction of two boards, such boards to appoint, with the approval of the Minister, a joint recreation committee for such territory without municipal organization as may be agreed upon by the two boards,

. . . . .

R.S.O. 1960, c. 94, s. 14*a* (1965, c. 28, s. 1), subs. 7, amended

5. Subsection 7 of section 14*a* of *The Department of Education Act*, as enacted by section 1 of *The Department of Education Amendment Act, 1965*, is amended by adding thereto the following clause:

(*ha*) providing for the payment of a *per diem* allowance to the chairman and to the members of the Ontario Council of Regents for Colleges of Applied Arts and Technology.

Commencement

6.—(1) This Act, except sections 2 and 3, comes into force on the day it receives Royal Assent.

(2) Sections 2 and 3 shall be deemed to have come into force on the 1st day of July, 1969. Idem

7. This Act may be cited as *The Department of Education Amendment Act, 1968-69*. Short title

CHAPTER 25

An Act to amend The Department of Financial and Commercial Affairs Act, 1966

Assented to October 31st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Department of Financial and Commercial Affairs Act, 1966* is repealed and the following substituted therefor: 1966, c. 41, s. 1, re-enacted

1. In this Act, Interpretation

(*a*) "Department" means the Department of Financial and Commercial Affairs;

(*b*) "Deputy Minister" means the Deputy Minister of Financial and Commercial Affairs;

(*c*) "Director" means the Director of the Consumer Protection Division of the Department;

(*d*) "Minister" means the Minister of Financial and Commercial Affairs;

(*e*) "Registrar" means the Registrar under an Act administered by the Minister, other than *The Loan and Trust Corporations Act*; R.S.O. 1960, c. 222

(*f*) "Tribunal" means The Commercial Registration Appeal Tribunal established under section 8*a*.

2. *The Department of Financial and Commercial Affairs Act, 1966* is amended by adding thereto the following sections: 1966, c. 41, amended

8*a*.—(1) There shall be a tribunal to be known as The Commercial Registration Appeal Tribunal composed of such members as are appointed under subsections 3 and 4. Commercial Registration Appeal Tribunal

Duties

(2) The Tribunal shall,

(*a*) advise the Minister on consumer affairs; and

(*b*) hold such hearings and perform such other duties as are assigned to it by or under any Act or regulation.

Members

(3) The Lieutenant Governor in Council shall appoint six members of the Tribunal and shall appoint one of such members, who shall be a full-time member, as chairman and may appoint one or more other such members as vice-chairmen.

Idem

(4) The Lieutenant Governor in Council may, after consultation with organizations or other bodies representative of the industries required to be registered under any Act administered by the Minister, appoint a panel composed of persons engaged in each of such industries, who shall be members of the Tribunal.

Remuneration and expenses

(5) Each member of the Tribunal, other than a full-time member, shall be paid his reasonable and necessary expenses incurred in attending meetings and in the transaction of the business of the Tribunal and such remuneration as is fixed by the Lieutenant Governor in Council.

Quorum

(6) Subject to subsection 7, three members of the Tribunal, one of whom shall be the chairman or vice-chairman, constitute a quorum and may exercise all the powers of the Tribunal notwithstanding any vacancy in the membership.

Representative of industry

(7) Where the Tribunal holds a hearing, at least one of the members shall be a person appointed under subsection 4 engaged in the industry governed by the Act under which the hearing is held.

Duties of chairman

(8) The chairman shall have general supervision and direction over the conduct of the affairs of the Tribunal, and shall arrange the sittings of the Tribunal and assign members to conduct hearings as circumstances require.

Experts

(9) The chairman, with the approval of the Minister, may retain experts to advise the Tribunal in respect of any particular matter coming before it.

(10)

(10) The Tribunal shall prepare and periodically publish a summary of its decisions and the reasons therefor. Publishing reports

8*b*. No action or other proceeding for damages shall be instituted against the Director, any member of the Tribunal or any Registrar, or anyone acting under the authority of such Director, member or Registrar, for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. Protection from personal liability

8*c*.—(1) Where a vacancy occurs in the office of Director or Registrar, or if the Director or a Registrar is unable to carry out his duties because of absence or illness, the Deputy Minister may appoint in writing an official of the Department to act as Director or Registrar until the Director or Registrar is duly appointed or returns to duty, but an appointment under this subsection shall not be made for a period of longer than six months. Interim appointments

(2) Where a vacancy occurs in the office of chairman of the Tribunal or the chairman is unable to carry out his duties because of absence or illness, the Minister may appoint in writing a member of the Tribunal appointed under subsection 3 of section 8*a* to act as chairman until the chairman is duly appointed or returns to duty, but an appointment under this subsection shall not be made for a period of longer than six months. Idem

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

4. This Act may be cited as *The Department of Financial and Commercial Affairs Amendment Act, 1968-69*. Short title

CHAPTER

CHAPTER 26

An Act respecting The Department of Health

Assented to May 8th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Department" means the Department of Health;

(*b*) "Deputy Minister" means the Deputy Minister of Health;

(*c*) "Minister" means the Minister of Health.

Department continued

2.—(1) The department of the public service known as the Department of Health is continued.

Minister to have charge

(2) The Minister shall preside over and have charge of the Department.

Deputy Minister

(3) The Deputy Minister shall be the chief medical officer for Ontario and he shall perform such duties as are assigned to him by the Lieutenant Governor in Council or the Minister.

Staff

(4) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are required from time to time for the proper conduct of the business of the Department.

1961-62, c. 121

Administration of Acts

3. The Minister is responsible for the administration of this Act and any other Acts that are assigned to him by the provisions thereof or by the Lieutenant Governor in Council.

Duties of Minister

4.—(1) The Minister shall,

(*a*) advise the Government in respect of the health of the people of Ontario;

(*b*) oversee and promote the health and the physical and mental well-being of the people of Ontario.

Idem

(2) The Minister in exercising his powers and carrying out his duties and functions under this Act,

(*a*) shall inquire into and determine the health facilities, services and personnel required to meet the health needs of the people of Ontario;

(*b*) may recommend to the Government the methods and programs by which the health needs of the people of Ontario can be met;

(*c*) shall promote and assist in the development of adequate health resources, both human and material, in Ontario;

(*d*) may initiate or promote research and planning studies into matters relating to the health needs of the Province of Ontario.

Agreements for provision of health facilities, etc.

5. The Minister, with the approval of the Lieutenant Governor in Council, may on behalf of the Government of Ontario make agreements with municipalities or other persons or corporations respecting the provision of health facilities, services or personnel referred to in clause *a* of subsection 2 of section 4.

Grants

6. The Minister may, out of the moneys appropriated by the Legislature therefor,

(*a*) make grants to universities and any non-profit organizations for research and training of persons for the health sciences field in such amounts and upon such terms and conditions as the regulations prescribe;

(*b*) provide bursaries and loans for educational and training purposes in respect of health to such persons, in such amounts and upon such terms and conditions as the regulations prescribe;

(*c*) make grants for developing health resources to such persons and organizations and upon such terms and conditions as the regulations prescribe;

(*d*) convene conferences and conduct seminars and educational programs respecting health matters.

Ontario Council of Health

7.—(1) There shall be a senior advisory body to the Government and to the Minister on health matters, known as the Ontario Council of Health, consisting of the Deputy Minister who shall be chairman and such other persons numbering not fewer than sixteen, as are appointed members by the Lieutenant Governor in Council.

Duties

(2) It is the duty of the Council to advise the Government and the Minister on health matters and needs of the people of Ontario and to perform such other duties as are referred to it by the Minister or the Lieutenant Governor in Council.

Appointment of advisory committees

(3) The Lieutenant Governor in Council or the Minister may appoint committees to perform such advisory functions as are considered necessary or desirable in order to assist the Minister in the discharge of his duties.

Statistics and information

8. The Minister may,

(*a*) collect such information and statistics respecting health resources, facilities and services and any other matters relating to the health needs or conditions affecting the public as are deemed necessary or advisable;

(*b*) publish any information collected under clause *a*.

Annual report

9. The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Department and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Deemed to include other reports

10. After this section comes into force, all annual reports required to be submitted to the Lieutenant Governor, the Lieutenant Governor in Council or the Assembly by the Minister or an official of the Department under any other Act shall be deemed to be included in the report submitted under section 9 and need not be submitted in accordance with such other Act.

Regulations

11. The Lieutenant Governor in Council may make regulations providing for the payment of grants, bursaries and loans for the purposes of section 6.

Commencement

12.—(1) This Act, except sections 9 and 10, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 9 and 10 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

13. This Act may be cited as *The Department of Health Act, 1968-69*.

CHAPTER

CHAPTER 27

An Act respecting the Department of Justice

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Department" means the Department of Justice;

(*b*) "Minister" means the Minister of Justice and Attorney General.

Department continued

2.—(1) The department of the public service heretofore known as the Department of the Attorney General is continued under the name "Department of Justice".

Minister to have charge

(2) The Minister shall preside over and have charge of the Department.

Deputy Minister

3.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Justice and Deputy Attorney General who shall be the deputy head of the Department.

Staff

(2) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are required from time to time for the proper conduct of the business of the Department.

1961-62, c. 121

Moneys required by Department

4. The moneys required for the purposes of the Department shall be paid out of the moneys appropriated therefor by the Legislature.

Functions

5. The Minister,

(*a*) is the Law Officer of the Executive Council;

(*b*) shall see that the administration of public affairs is in accordance with the law;

(*c*) shall superintend all matters connected with the administration of justice in Ontario;

(*d*) shall perform the duties and have the powers that belong to the Attorney General and Solicitor General of England by law or usage, so far as those duties and powers are applicable to Ontario, and also shall perform the duties and have the powers that, up to the time of the *British North America Act, 1867* came into effect, belonged to the offices of the Attorney General and Solicitor General in the provinces of Canada and Upper Canada and which, under the provisions of that Act, are within the scope of the powers of the Legislature;

(*e*) shall advise the Government upon all matters of law connected with legislative enactments and upon all matters of law referred to him by the Government;

(*f*) shall advise the Government upon all matters of a legislative nature and superintend all Government measures of a legislative nature;

(*g*) shall advise the heads of the departments and agencies of Government upon all matters of law connected with such departments and agencies;

(*h*) shall conduct and regulate all litigation for and against the Crown or any department or agency of Government in respect of any subject within the authority or jurisdiction of the Legislature;

(*i*) shall superintend all matters connected with judicial, registry and land titles offices;

(*j*) shall perform such other functions as are assigned to him by the Legislature or by the Lieutenant Governor in Council.

Designation of departmental legal officers as employees of Department

6. The Lieutenant Governor in Council may designate any employee in any department or agency of Government who is a member of the bar of Ontario to be an employee of the Department and thereupon such employee becomes an employee of the Department.

Annual report

7. The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Department and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

8.

8. After this section comes into force, all annual reports required to be submitted to the Lieutenant Governor, the Lieutenant Governor in Council or the Assembly by the Minister or an official of the Department under any other Act shall be deemed to be included in the report submitted under section 7 and need not be submitted in accordance with such other Act. Deemed to include other reports

9.—(1) This Act, except section 8, comes into force on the day it receives Royal Assent. Commencement

(2) Section 8 comes into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

10. This Act may be cited as *The Department of Justice Act, 1968-69*. Short title

CHAPTER

CHAPTER 28

An Act to amend The Deserted Wives' and Children's Maintenance Act

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Deserted Wives' and Children's Maintenance Act* is repealed. R.S.O. 1960, c. 105, s. 2, subs. 2, repealed

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1968-69*. Short title

CHAPTER 29

An Act to amend The District Welfare Administration Boards Act, 1962-63

Assented to June 18th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The District Welfare Administration Boards Act, 1962-63* is amended by inserting after "a" in the first line "city", so that the clause shall read as follows: 1962-63, c. 37, s. 1, cl. *e*, amended

(*e*) "municipality" means a city, town, village, township or improvement district to which this Act applies as determined under section 2.

2. Section 2 of *The District Welfare Administration Boards Act, 1962-63*, as re-enacted by section 2 of *The District Welfare Administration Boards Amendment Act, 1966*, is repealed and the following substituted therefor: 1962-63, c. 37, s. 2, (1966, c. 46, s. 2), re-enacted

2.—(1) This Act applies to the towns, villages, townships and improvement districts in each district. Application

(2) Any city in a district where a board is established may, at the request of the council of the city and with the approval of the Minister, be a municipality to which this Act applies. City in a district

3. Section 4*a* of *The District Welfare Administration Boards Act, 1962-63*, as enacted by section 3 of *The District Welfare Administration Boards Amendment Act, 1966*, is repealed. 1962-63, c. 37, s. 4*a*, (1966, c. 46, s. 3), repealed

4.—(1) Subsection 2 of section 6 of *The District Welfare Administration Boards Act, 1962-63* is amended by inserting after "district" in the second line "in proportion to the amounts of their assessments according to the assessment rolls as revised and equalized in the immediately preceding year", 1962-63, c. 37, s. 6, subs. 2, amended

and

and by striking out "25th day of February" in the sixth line and inserting in lieu thereof "15th day of March", so that the subsection shall read as follows:

Estimates and apportionment

(2) Each board shall in each year apportion among the municipalities in the district, in proportion to the amounts of their assessments according to the assessment rolls as revised and equalized in the immediately preceding year, the amount that it estimates will be required to defray the expenditures for welfare services for that year, including the expenses incurred for the administration of welfare services, and shall on or before the 15th day of March notify the clerk of each such municipality of the amount to be provided by that municipality.

1962-63, c. 37, s. 6, subs. 4, amended

(2) Subsection 4 of the said section 6 is amended by inserting after "section" in the second line "or determined by agreement under section 6*a*, as the case may be", so that the subsection shall read as follows:

Levy and collection

(4) Each municipality shall include the amount required to be provided by it under this section or determined by agreement under section 6*a*, as the case may be, in its estimates for the then current year, and shall levy and collect the amount in like manner as taxes and pay the amount to the board on demand.

1962-63, c. 37, amended

5. *The District Welfare Administration Boards Act, 1962-63* is amended by adding thereto the following section:

Apportionment may be determined by agreement

6*a*. Notwithstanding section 6, during the first four years that a city in a district is a municipality to which this Act applies, the apportionment among the municipalities in the district of the amount or any part thereof required in one or more of those years by the board for the provision of welfare services in respect of the municipalities, including the expenses incurred for the administration of such services, may be determined by an agreement in writing approved by the Minister between the board and the city.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The District Welfare Administration Boards Amendment Act, 1968-69*.

CHAPTER 30

An Act to amend The Division Courts Act

Assented to May 13th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 55 of *The Division Courts Act* is amended by striking out "Except in actions in which a jury is demanded as hereinafter provided" in the first and second lines, so that the section shall read as follows: R.S.O. 1960, c. 110, s. 55, amended

55. The judge shall hear and determine in a summary way all questions of law and fact and may make such order or judgment as appears to him just and agreeable to equity and good conscience, which shall be final and conclusive between the parties, except as herein otherwise provided. Summary hearings

2. Section 94 of *The Division Courts Act* is amended by striking out "whether it is being tried with or without a jury" in the first and second lines, so that the section shall read as follows: R.S.O. 1960, c. 110, s. 94, amended

94. The judge may adjourn the trial of an action to permit either party to summon witnesses or to produce further proof, or to serve or give any notice necessary to enable him to enter more fully into his case or for any cause that the judge thinks reasonable, upon such conditions as to payment of costs and admission of evidence, or otherwise, as to him seem just. Judge may adjourn hearing of cause

3. Subsection 1 of section 114*a* of *The Division Courts Act*, as enacted by section 4 of *The Division Courts Amendment Act, 1961-62*, is amended by striking out "either with or without a jury" in the second line, so that the subsection shall read as follows: R.S.O. 1960, c. 110, s. 114*a* (1961-62, c. 35, s. 4), subs. 1, amended

(1) Where the judge before whom an action is tried dies before giving judgment, or having reserved his judgment after having heard the evidence does not deliver Rehearing

judgment

judgment within six months thereafter, any party may, upon notice to all other parties, apply to the Chief Judge of the County and District Courts for an order directing that the action be reheard by such judge as he designates.

R.S.O. 1960, c. 110, s. 130, subs. 4, cl. *b*, amended

4. Clause *b* of subsection 4 of section 130 of *The Division Courts Act* is amended by striking out "or that he has rendered himself liable to be committed to jail under this Act" in the fifth and sixth lines, so that the clause shall read as follows:

(*b*) in the case of a second or subsequent summons, that the deponent believes that the judgment debtor sought to be examined is able to pay the amount due in respect of the judgment or some part thereof.

R.S.O. 1960, c. 110, s. 131, subs. 3, re-enacted; subss. 4, 5, repealed

5. Subsections 3, 4 and 5 of section 131 of *The Division Courts Act* are repealed and the following substituted therefor:

Variation of order

(3) Where the circumstances of the debtor have changed, the judge may vary the order made under section 130.

R.S.O. 1960, c. 110, s. 132, re-enacted

6. Section 132 of *The Division Courts Act* is repealed and the following substituted therefor:

Committal for contempt

132. If the party summoned,

(*a*) does not attend as required by the summons, or at any subsequent date to which the hearing or examination is adjourned, or give a sufficient reason for not attending; or

(*b*) attends and refuses to be sworn or to answer such questions as in the opinion of the judge are proper,

the judge may order him to be committed to the jail of the county in which he resides or carries on business, for any period not exceeding forty days.

R.S.O. 1960, c. 110, s. 136, subs. 1, amended

7. Subsection 1 of section 136 of *The Division Courts Act* is amended by striking out "upon which shall be endorsed a memorandum of the amount due under the judgment" in the fourth and fifth lines, so that the subsection shall read as follows:

Warrant of commitment

(1) Where an order of commitment has been made, the clerk shall issue, under the seal of the court, a warrant of commitment directed to the bailiff of any court in the county and the bailiff may, by virtue of the

warrant, take the party and deliver him to the keeper of the jail in which he has been directed to be imprisoned.

8. Section 140 of *The Division Courts Act* is repealed. R.S.O. 1960, c. 110, s. 140 repealed

9. Section 186, as amended by section 2 of *The Division Courts Amendment Act, 1962-63*, sections 187, 188, 189, 190, 191, 192, 193, 194 and 195, and section 196, as amended by section 5 of *The Division Courts Amendment Act, 1968*, of *The Division Courts Act* are repealed. R.S.O. 1960, c. 110, ss. 186-196, repealed

10. Subsection 2 of section 207 of *The Division Courts Act* is repealed. R.S.O. 1960, c. 110, s. 207, subs. 2, repealed

11. Sections 212 and 213 of *The Division Courts Act* are repealed. R.S.O. 1960, c. 110, ss. 212, 213, repealed

12.—(1) All orders of committal issued under clause *c*, *d* or *e* of section 132 of *The Division Courts Act* as it existed before this Act comes into force shall be deemed to be discharged and of no effect on and after the day upon which this Act comes into force. Application re orders of committal

(2) Sections 1, 2, 3, 9, 10 and 11 of this Act do not apply in respect of an action in which notice has been given to the clerk of a division court under subsection 2 or 3 of section 186 of *The Division Courts Act* as it existed before this Act comes into force. Application re juries

13. This Act comes into force on the day it receives Royal Assent. Commencement

14. This Act may be cited as *The Division Courts Amendment Act, 1968-69*. Short title

CHAPTER

CHAPTER 31

An Act to amend The Dog Tax and Live Stock and Poultry Protection Act

Assented to June 9th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Dog Tax and Live Stock and Poultry Protection Act* is amended by inserting after "Agriculture" in the first line "and Food". R.S.O. 1960, c. 111, s. 1, cl. *b* amended

(2) The said section 1 is amended by adding thereto the following clauses: R.S.O. 1960, c. 111, s. 1, amended

(*d*) "pure-bred" means,

(i) registered or eligible for registration in the register of The Canadian Kennel Club, Incorporated, or

(ii) of a class designated as pure-bred in the regulations;

(*e*) "regulations" means the regulations made under this Act.

2. Subsection 5 of section 2 of *The Dog Tax and Live Stock and Poultry Protection Act* is repealed. R.S.O. 1960, c. 111, s. 2, subs. 5, repealed

3. *The Dog Tax and Live Stock and Poultry Protection Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 111, amended

5*a*. The owner of a kennel of dogs that are pure-bred shall pay an annual tax of $25 to the treasurer of the municipality as a tax upon the kennel, and he is not liable to pay in respect of such pure-bred dogs any tax under section 2 or any licence fee under a by-law passed pursuant to section 5. Tax on kennel of pure-bred dogs

. . . . .

Regulations

8*a*. The Lieutenant Governor in Council may make regulations designating as pure-bred any class or classes of dogs.

Commencement

4. This Act shall be deemed to have come into force on the 1st day of January, 1969.

Short title

5. This Act may be cited as *The Dog Tax and Live Stock and Poultry Protection Amendment Act, 1968-69*.

CHAPTER 32

An Act to amend The Drainage Act, 1962-63

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Drainage Act, 1962-63* is amended by striking out "*The Assessment Act*" in the second line and inserting in lieu thereof "this Act", so that the clause shall read as follows: 1962-63, c. 39, s. 1, cl. *e*, amended

(*e*) "court of revision" means a court of revision constituted under this Act.

2. *The Drainage Act, 1962-63* is amended by adding thereto the following section: 1962-63, c. 39, amended

29*a*.—(1) The court of revision shall consist of five members appointed by the council of the municipality and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide. Court of revision

(2) Every such member shall be a person eligible to be elected a member of the council or shall be a member of the council. Qualification

3.—(1) Subsection 4 of section 30 of *The Drainage Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 39, s. 30, subs. 4, re-enacted

(4) Except as otherwise provided in this Act, the provisions of *The Assessment Act, 1968-69* as to the powers of and trial of complaints by the Assessment Review Court apply *mutatis mutandis* to trials by the court of revision under this Act, except that where the assessment commissioner or regional registrar is referred to such reference shall be deemed to refer to the clerk of the municipality. Powers of court of revision, etc. 1968-69, c. 6

1962-63, c. 39, s. 30, subs. 5 (1965, c. 34, s. 2), repealed

(2) Subsection 5 of the said section 30, as enacted by section 2 of *The Drainage Amendment Act, 1965*, is repealed.

Commencement

4. This Act comes into force on the 1st day of January, 1970.

Short title

5. This Act may be cited as *The Drainage Amendment Act, 1968-69*.

CHAPTER 33

The Election Act, 1968-69

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act, Interpretation

(*a*) "advance poll" means a poll held under section 70;

(*b*) "by-election" means an election other than a general election;

(*c*) "candidate at an election" and "candidate" mean a person elected to serve in the Assembly and a person who is nominated as a candidate at an election or is declared by himself or by others to be a candidate on or after the date of the issue of the writ or after the dissolution or vacancy in consequence of which the writ has been issued;

(*d*) "corrupt practice" means any act declared to be a corrupt practice by any law in force in Ontario;

(*e*) "election" means an election of a member or members to serve in the Assembly;

(*f*) "election court" means a court constituted under *The Controverted Elections Act* for the trial of a petition or a summary trial court constituted under that Act; R.S.O. 1960, c. 65

(*g*) "electoral district" means an electoral district as set out in *The Representation Act, 1966*; 1966, c. 137

(*h*) "general election" means an election in respect of which election writs are issued for all electoral districts;

(*i*) "official agent" means the agent appointed by a candidate under section 44;

(*j*) "polling list" means the list of voters furnished to a deputy returning officer by the returning officer in accordance with this Act;

(*k*) "polling subdivision" means a polling subdivision established by the returning officer under section 8;

(*l*) "prescribed" means prescribed by the Lieutenant Governor in Council or by the Chief Election Officer;

(*m*) "residence", and similar expressions used in relation to a person, means his true, fixed, permanent home or lodging place to which whenever he is absent he has the intention of returning, subject to the following rules:

1. The place where a person's family resides shall be deemed to be his residence unless he takes up or continues his residence at some other place with the intention of remaining there, in which case he shall be deemed to be a resident of such other place.

2. The place where a single person occupies a room or part of a room as a regular lodger or to which he habitually returns, not having any other permanent lodging place, shall be deemed to be his residence.

3. No person shall be deemed to be ordinarily resident in quarters or premises that are generally occupied during some or all of the months of May to October only and generally remain unoccupied during some or all of the months of November to April unless,

    a. he is occupying such quarters in the course of and in the pursuit of his ordinary gainful occupation, or

    b. he has no quarters in any other electoral district to which he might at will remove.

4. The place where a person, otherwise qualified as an elector, resides for the purpose of attending a post-secondary educational institution, may be deemed to be his residence for voting purposes;

(*n*) "scrutineer" means any person at least sixteen years of age who is appointed by a candidate or his official agent to represent the candidate in a polling place. R.S.O. 1960, c. 118, s. 1; R.S.O. 1960, c. 420, s. 1, cl. (*b*), *amended*.

Oaths, who to administer

2.—(1) Except where otherwise provided, an oath for the purposes of this Act may be sworn before a justice of the peace, a commissioner for taking affidavits or a notary public.

Idem

(2) Returning officers and election clerks may administer any oath required by this Act, and deputy returning officers and poll clerks may administer any such oath except an oath to be administered to the returning officer.

No charge for administering oaths

(3) Every person administering an oath under or for the purposes of this Act shall administer the oath gratuitously. R.S.O. 1960, c. 118, s. 8, *amended*.

PART I

Appointments

Chief Election Officer

Appointment of C.E.O. and A.C.E.O.

3.—(1) The Lieutenant Governor in Council shall appoint a Chief Election Officer, and may appoint an Assistant Chief Election Officer.

Powers and duties of C.E.O.

(2) The Chief Election Officer shall consult with, advise and supervise the returning officers, deputy returning officers and poll clerks in the performance of their duties, and, where necessary, shall visit in person and consult with the returning officer with a view to facilitating the preparation of the lists and the carrying out of this Act.

Powers and duties of A.C.E.O.

(3) In the absence or illness of the Chief Election Officer or if the office is vacant, the Assistant Chief Election Officer shall act in his place and, while so acting, possesses the like powers and shall perform the like duties as the Chief Election Officer.

In cases of emergency

(4) Where, in the opinion of the Chief Election Officer, an emergency exists, for which no provision is made, he may give such directions as he considers proper and anything done in compliance with any such direction is not open to question, but the Chief Election Officer shall immediately give notice of any such direction to any candidate whom he thinks may be affected by such direction. R.S.O. 1960, c. 118, s. 4, *amended*.

Clerical assistance

(5) The Chief Election Officer may provide for such clerical and other assistance as is necessary in the performance of his duties, and the Lieutenant Governor in Council may authorize the issue of accountable warrants from time to time for payment of travelling and other expenses and for remuneration of such officers and of persons employed in the office of the Chief Election Officer. R.S.O. 1960, c. 118, s. 5.

Forms

(6) The Chief Election Officer may make regulations prescribing the forms for use under this Act. *New.*

RETURNING OFFICERS

Appointment of R.O.

4.—(1) The Lieutenant Governor in Council shall appoint a returning officer for every electoral district.

Qualifications of R.O.

(2) Every person appointed returning officer shall be a Canadian citizen or other British subject of voting age and resident in Ontario.

Refusal or incapacity to act

(3) If the person appointed returning officer under subsection 1 dies, or refuses to act, or is incapacitated or is discharged in accordance with subsection 7, 8 or 9, the Lieutenant Governor in Council may appoint some other person to be returning officer.

Notification of appointment

(4) The Chief Election Officer shall notify every person appointed as returning officer of his appointment, and thereupon such person shall enter upon his duties under this Act. R.S.O. 1960, c. 118, s. 24 (1-4), *amended.*

Clerical assistance

(5) Subject to the approval of the Chief Election Officer, every returning officer may provide for such clerical and other assistance as is necessary in the performance of his duties. *New.*

Oath of R.O.

(6) Every returning officer, immediately upon receiving notice of his appointment, shall take and subscribe the prescribed oath. R.S.O. 1960, c. 118, s. 24 (5), *amended.*

Term of office

(7) A returning officer who is appointed under this Act shall continue in office until he dies, or, with prior permission of the Chief Election Officer, he resigns, or unless he is removed from office under subsection 8 or 9.

Removal from office

(8) The Lieutenant Governor in Council may remove from office any returning officer who,

(*a*) has attained the age of sixty-five years; or

(*b*) is incapable, by reason of illness, physical or mental infirmity or otherwise, of satisfactorily performing his duties under this Act.

(9) The Chief Election Officer may remove from office any returning officer who has failed to discharge competently his duties, or any of them, under this Act. *New.* Idem

(10) Every returning officer on receiving a writ for an election shall endorse thereon the date of its receipt. R.S.O. 1960, c. 118, s. 24 (6). Endorsement on writ

(11) If a writ for an election has been issued to a person in whose stead a returning officer has been appointed under subsection 3, a new writ may be issued or the new returning officer may act under the writ already issued as if it had been addressed to him, and the validity of the proceedings had or taken under the first appointment is not affected by the new appointment, but the new returning officer may appoint a new election clerk, if he thinks fit, in the place of the person, if any, appointed to such office by the person previously named returning officer. R.S.O. 1960, c. 118, s. 24 (7), *amended.* Where appointment superseded

5.—(1) The following persons shall not be appointed or act as a returning officer, election clerk, deputy returning officer or poll clerk: Persons excluded from being returning officers, etc.

1. Members of the Executive Council.
2. Crown Attorneys and Clerks of the Peace.
3. Members of the Parliament of Canada or of the Assembly.
4. Judges of federal or provincial courts.
5. Persons who have served as members of the Assembly in the session next preceding the election or, if a by-election takes place during a session of the Assembly, persons who are serving in that session.
6. Persons who have at any time been found guilty of a corrupt practice.

(2) A contravention of this section does not affect the validity of the election. R.S.O. 1960, c. 118, s. 25 (1, 3), *amended.* Validity of election not affected

ELECTION CLERKS

6.—(1) The returning officer, before nomination day, shall appoint in writing a person to be his election clerk, who shall continue in office only for the duration of the election for which he was appointed. Appointment of election clerk

(2)

Death or default of election clerk

(2) The returning officer, at any time during the election, may appoint in writing another election clerk if the one previously appointed dies or refuses or neglects or is unable to perform his duties.

Duties

(3) The election clerk shall assist the returning officer in the performance of his duties, and, if the returning officer dies or refuses or is disqualified or unable to perform his duties and has not been replaced by another, shall act in his stead as returning officer. R.S.O. 1960, c. 118, s. 34, *amended*.

Oath of election clerk

(4) The election clerk before entering upon his duties shall take and subscribe the prescribed oath. R.S.O. 1960, c. 118, s. 35, *amended*.

PART II

Proceedings Preliminary to Election

DATES FOR NOMINATION AND POLLING

Nomination day and election day

7.—(1) When an election is to be held, the Lieutenant Governor in Council may appoint a day for nomination of candidates, which day shall be a Thursday,

(*a*) not more than sixty and not less than twenty-three days after the date of the writs of election where the nomination day appointed is in the months from May to October inclusive; or

(*b*) not more than sixty and not less than thirty days after the date of the writs of election where the nomination day appointed is in the months from November to April inclusive.

Polling day

R.S.O. 1960, c. 191

(2) The day on which polling shall take place shall be the fourteenth day after nomination day unless that Thursday is a holiday, as defined by *The Interpretation Act*, or is declared to be a holiday by law and in any such case the day fixed for the poll shall be Friday of the same week.

Date to be same in all electoral districts

(3) In the case of a general election, the nominations shall be held on the same day for all electoral districts and the respective days for the nomination and for the polling shall be stated in the proclamation for the election.

Writs to bear same date

(4) The writs for a general election shall be dated on the same day.

Writs to state nomination and polling days

(5) A writ of election shall state the respective days for the nomination and for the polling and is returnable forthwith after the execution thereof. R.S.O. 1960, c. 118, s. 19, *amended*.

POLLING SUBDIVISIONS

Polling subdivisions

8. The returning officer shall divide his electoral district into polling subdivisions and shall, so far as is practicable, adopt the municipal polling subdivisions. R.S.O. 1960, c. 118, s. 44 (1, 2).

QUALIFICATION OF VOTERS

Who may vote

9.—(1) In any electoral district in which an election to the Assembly is held, every person who, at the time of voting,

(*a*) has attained twenty-one years of age;

(*b*) is a Canadian citizen or other British subject;

(*c*) is not disqualified under this Act or otherwise prohibited by law from voting;

(*d*) has resided in Ontario for the twelve months next preceding the day of polling; and

(*e*) resides in the electoral district,

is qualified to vote at such election.

(2) For the purpose of this section, a statutory declaration by a person claiming to be a Canadian citizen or other British subject is *prima facie* evidence of the facts declared to. R.S.O. 1960, c. 118, s. 17, *amended*.

Disqualification of certain officers

10. No returning officer or election clerk is entitled to vote, but this provision does not affect the duty of the returning officer to give a casting vote. R.S.O. 1960, c. 118, s. 15.

Disqualification of convicts, mentally ill persons, etc.

11. Persons who are prisoners in penal or reform institutions, or who are patients in mental hospitals, or who have been transferred from mental hospitals to homes for special care as mentally incompetent are disqualified from voting. R.S.O. 1960, c. 118, s. 16, *amended*.

ENUMERATION

Enumerators

12. Every returning officer, forthwith after receipt of a writ of election, shall appoint in writing, for each polling subdivision in the electoral district, two persons of voting age to be enumerators of the voters in such subdivision and to prepare a list thereof, and shall require each of such persons to take the prescribed oath. R.S.O. 1960, c. 420, ss. 57, 91, *amended*.

13.

Candidates

13. No candidate shall be an enumerator. *New.*

Enumerators to act jointly

14. Each enumerator shall exercise the utmost care in the preparation of the list of voters, and the two enumerators appointed for each polling subdivision shall, in relation to each process in the preparation of the list of voters, act jointly and not individually, and, in case of any disagreement, they shall report the matter to the returning officer and in all respects are bound by his decision. R.S.O. 1960, c. 420, ss. 58, 93, *amended.*

Selection of enumerator

15. The returning officer shall, as far as possible, select and appoint the two enumerators for each polling subdivision so that they represent two different political interests, as provided in section 16. R.S.O. 1960, c. 420, ss. 59, 91, *amended.*

Nomination of enumerators

16.—(1) Forthwith after the issue of the writ for an election,

(*a*) the person who apparently will be the candidate at the election of the political interest represented by the government of the day; and

(*b*) the person who apparently will be the candidate at the election of a different political interest, the candidate for which, at the next preceding provincial election, received the highest number of votes or the next highest number of votes, as the case may be,

shall furnish the returning officer with lists of nominations for appointment as enumerators, and such lists may be revised from time to time up to forty-eight hours before the enumeration is to begin.

Idem

(2) If forty-eight hours before the enumeration is to begin the returning officer has received insufficient nominations to provide two enumerators representing two different political interests for each polling subdivision, he shall make such additional appointments as he considers necessary to enumerate the electoral district. R.S.O. 1960, c. 420, s. 60, *amended.*

Enumerators' equipment

17.—(1) The returning officer shall supply each pair of enumerators with,

(*a*) enumerators' record forms;

(*b*) forms for lists of voters; and

(*c*) notices of inability to obtain information.

Preparation of list

(2) The enumerators shall forthwith upon their appointment, by means of,

(*a*) a joint house-to-house canvass; and

(*b*) such other sources as may be available to them,

prepare a list of voters under headings of names of streets where possible and in the order of street numbers in subdivisions in which street numbering is in effect, and in alphabetical order in all other subdivisions, of all persons in the polling subdivisions who are qualified to vote at the election.

Enumerators' record

(3) The name and address of every person entitled to be entered on the list of voters shall, at the time of visiting the dwelling place of such person, be entered on an enumerators' record which shall be signed by both enumerators, and a duplicate thereof shall be detached from the book and left at such dwelling place.

House to-house canvass

(4) In making the house-to-house canvass, the enumerators shall visit every dwelling place in the polling subdivision,

(*a*) at least once between 9 a.m. and 7 p.m.; and

(*b*) unless they have ascertained from an occupant of each such dwelling place that no person residing therein remains to be entered on the list, at least once between 7 p.m. and 10 p.m.,

and, where, upon making the last of such visits, the enumerators are unable to secure all the information necessary, they shall leave at such dwelling place a notice of inability to obtain information. R.S.O. 1960, c. 420, ss. 61, 92, *amended.*

Enumerators to have free access

(5) The enumerators shall at all reasonable times and upon producing proper identification be given free access for the purposes of enumeration to the entrance door to each dwelling unit in any building having more than one dwelling unit.

Obstruction, etc., of enumerators

(6) No person shall wilfully obstruct or interfere with an enumerator in the performance of any of his duties or in the exercise of his rights under this Act. *New.*

Verification and disposition of list by enumerators

18.—(1) The enumerators, immediately after the completion of the list of voters and not later than four days from the date of their appointment, shall,

(*a*) verify the list by prescribed oath;

(*b*) deliver it to the returning officer together with the book of enumerators' record forms used in the preparation of the list; and

(*c*) prepare three legibly typewritten copies of such list so verified, one for delivery by the returning officer to the printer, one to be posted up in the office of the returning officer, and one to be posted by the enumerator in a conspicuous place in the polling subdivision for which the list was prepared.

Copy of list to candidates

(2) The returning officer shall furnish each candidate as soon as possible with one copy of the list of voters.

Printing of preliminary list

(3) The returning officer, forthwith upon receipt of the list of voters from the enumerators, shall cause it to be printed and shall furnish each candidate or his official agent with twelve printed copies of the list of voters for each polling subdivision. R.S.O. 1960, c. 420, ss. 62, 94, *amended*.

Enumerator refusing to act

19. Every enumerator who wilfully neglects, omits or refuses to perform any of his duties under this Act forfeits his right to payment for any services already rendered. R.S.O. 1960, c. 420, s. 96, *amended*.

Enumerator replaced

20. The returning officer may at any time replace any enumerator appointed by him by appointing another enumerator to act in his place and stead and, upon receiving notice in writing from the returning officer of his replacement, the enumerator so replaced shall forthwith deliver to the returning officer his credentials and all papers and materials supplied to him. R.S.O. 1960, c. 420, s. 97.

PROCLAMATION

Proclamation by R.O.

21.—(1) The day following completion of the enumeration, the returning officer shall by proclamation, declare,

(*a*) the place and time fixed for the nomination of candidates;

(*b*) the hours and days of the week during which he will be in his office to revise the list of voters, as directed by the Chief Election Officer;

(*c*) the day fixed for holding the poll for taking the votes of the voters in case a poll is granted; and

(*d*) the time and place fixed for adding up the number of votes given to each candidate.

(2) The returning officer shall issue the proclamation to be posted up in adequate numbers and in conspicuous places on public or private property throughout the electoral district and to be published in newspapers having a general circulation in the electoral district. R.S.O. 1960, c. 118, s. 28, *amended*. Posting of proclamation

RE-ENUMERATION

22.—(1) Any voter whose name is omitted from the list of voters as prepared by the enumerators, or any person who has knowledge of the fact that the name or names of any other voter or voters has or have been so omitted, may so inform the returning officer in writing stating the names and addresses of the voters so omitted. Re-enumeration

(2) The returning officer, before the preparation of the polling lists, shall cause an enumeration to be made of all voters of whom such notice has been given, and the enumerators shall visit the addresses and enumerate such voters and any other voters at those addresses whose names have been omitted from the list of voters. Idem

(3) The returning officer shall appoint enumerators for the purposes of subsection 2 from among those who have already acted as such for the pending election or, if necessary, shall appoint others in the manner provided by sections 15 and 16. R.S.O. 1960, c. 420, s. 74 (5-7), *amended*. Enumerators for re-enumeration

REVISION

23. The returning officer shall permit to be present in his office during the hours of revision of the list of voters a representative of each recognized political interest in the electoral district but no such representative, except with the permission of the returning officer, has any right to take part or intervene in the proceedings. R.S.O. 1960, c. 420, s. 85, *amended*. Revision

24.—(1) A person resident in any polling subdivision whose name has not been included or has been incorrectly included by the enumerator in the list of voters for such subdivision may apply to the returning officer to have his name included in the list or to cause the entry in the list relating to him to be corrected. Who may apply to be registered or have correction made

(2) Every person so applying shall sign an application in which all the information shall be sufficiently filled in, either by the applicant personally or by the returning officer at the applicant's request, and before entering the name of the person in the list of voters or before correcting the list, as the case may require, the returning officer shall satisfy himself that the Application to be entered on list to be signed

applicant

applicant understands the effect of the statements in the application and that he is entitled to have his name included on the list or to have the list corrected pursuant to his request.

Absence through sickness, etc., relative or employer may appear

(3) If a person who claims to be entitled to have his name included in the list of voters or to have the entry relating to him therein corrected is unable to attend in person by reason of sickness or disability or unavoidable absence from the electoral district, a relative of such person by blood or marriage or his employer may appear before the returning officer and complete the application to have such person's name included in the list of voters or to have the list corrected, as the case may be.

Evidence to be produced by relative or employer

(4) If the relative by blood or marriage or the employer so appearing substantiates,

(*a*) the cause for the non-appearance of the person immediately concerned to be as set out in subsection 3;

(*b*) the existence of a relationship by blood or marriage or the relationship of employer and employee; and

(*c*) the facts relevant to the qualification, name, address or identity of the person immediately concerned so far as such facts are requisite to cause the name of the person to be included in the list of voters or to cause the list to be corrected, as the case may be,

the returning officer may act upon the application as if the person immediately concerned had appeared in person before him. R.S.O. 1960, c. 420, s. 74 (1-4).

Interpreter where necessary

(5) When the language of the applicant is not understood by the returning officer, an interpreter may be sworn and may act, but in the event of inability to secure an interpreter, the application shall, for the time being, be refused. R.S.O. 1960, c. 118, s. 90; R.S.O. 1960, c. 420, s. 86, *amended*.

Returning officer to enter name when satisfied applicant is qualified

25. If it appears to the returning officer that the applicant understands the effect of the statements in the application and that the applicant's name should be included in the list or that the amendment thereof that he requests should be made, he shall certify accordingly by signing the application. R.S.O. 1960, c. 420, s. 79, *amended*.

Procedure where application refused

26. If, in the opinion of the returning officer, the statements made by the applicant in his application do not show that the applicant is entitled to have his name included in the list or to have the list amended as requested, he shall inform the

applicant that his application is refused, stating the reasons for such refusal, which reasons he shall endorse on the application form. R.S.O. 1960, c. 420, s. 80, *amended*.

Complaint for wrongful entry on list

27.—(1) Within seven days after the list of voters is posted up by the enumerators, any voter may file with the returning officer a complaint, on the prescribed form, that there has been included in the list of voters the name or names of persons who should not be entered therein.

Notice to persons objected to

(2) The returning officer upon receipt of the complaint shall forthwith cause to be sent by registered mail to the person objected to at the address mentioned in the list and to such other address, if any, as may be mentioned in the complaint, a notice requiring such person to appear in person or by his representative before him on a day to be named in the notice.

Copy of complaint

(3) There shall be sent with the notice a copy of the complaint of the voter making the complaint.

Hearing of complaint

(4) On the day of hearing named in the notice, the person filing the complaint shall attend before the returning officer and establish to the satisfaction of the returning officer the validity of such complaint and the returning officer, after receiving an explanation of the facts alleged and after hearing what is alleged by the person concerning whom the complaint was made, may make such order as he considers just under the circumstances. R.S.O. 1960, c. 420, ss. 75, 76, *amended*.

Name not to be struck off without notice

28. The name of a person shall not be removed from the list unless the returning officer is satisfied on oath that due notice of complaint has been given to the person or that the person could not be found and the registered notice could not be delivered. R.S.O. 1960, c. 420, s. 81, *amended*.

Change of residence removal from one electoral district to another

29.—(1) A person who was a resident in, and is entered on the list of voters prepared for a polling subdivision in an electoral district or who would have been entitled to be so entered had he remained a resident in such electoral district and who has moved from such electoral district and has become a resident of another electoral district is entitled to be entered on the list of voters in the last mentioned electoral district by the returning officer upon filing with the returning officer an affidavit in the prescribed form and producing such other evidence that he was so entered or entitled to be so entered as the returning officer considers necessary.

Certificate

(2) The returning officer shall give a certificate in the prescribed form to every person entered on the list under subsection 1.

(3)

Entry after name of person so added

(3) The returning officer shall write "entered under *The Election Act*, section 29" after the name of every person entered on the list under subsection 1.

Production of certificate at poll

(4) A person whose name is entered on the list under this section is not entitled to vote unless at the time he requests a ballot he produces to the deputy returning officer the certificate mentioned in subsection 2. R.S.O. 1960, c. 118, s. 18, *amended*.

Evidence required

30. The returning officer shall not remove any name from the list or make any other changes therein except upon evidence under oath. R.S.O. 1960, c. 420, s. 82, *amended*.

Returning officer's decision final

31. The decision of the returning officer with regard to the right of a person to vote or to the right to enter on or strike from the lists the name of a person as a voter is final. R.S.O. 1960, c. 420, s. 5, *amended*.

Statement of changes and additions to candidates

32. A statement of changes and additions shall be prepared and certified in at least seven clear copies and the returning officer shall forthwith send one copy to each candidate or his official agent. R.S.O. 1960, c. 420, ss. 88 (1), 89, *amended*.

Lists so revised to be lists for the election

33.—(1) The returning officer shall make the appropriate changes in the verified list of voters in accordance with the statement of changes and additions and shall certify the revised list, and shall attach to the revised list a certified copy of the statement of changes and additions. R.S.O. 1960, c. 420, ss. 83, 90 (1), *amended*.

Lists with statements to be official lists

(2) The returning officer shall prepare the polling list for each polling subdivision by attaching to a certified copy of the revised list a certified copy of the statement of changes and additions, but, if any material difference between its contents and the contents of the list as finally revised is discovered, the returning officer shall furnish the deputy returning officer and each candidate with a certificate of the error, and the polling list shall for all purposes be taken to have been amended in accordance with the certificate. R.S.O. 1960, c. 420, s. 90 (2), *amended*.

IRREGULARITIES

Irregularities not to affect result of election

34. An irregularity in the preparation or revision of any list of voters is not a ground for questioning the validity of an election. R.S.O. 1960, c. 118, s. 6, *amended*.

PROXIES

Who may vote by proxy

35.—(1) Any qualified voter who is entered on the list of voters for a polling subdivision and who is,

(*a*)

(*a*) a member of the regular forces of the Canadian Forces or a member of the reserve forces of the Canadian Forces when on active service as defined by the *Canadian Forces Reorganization Act* and the *National Defence Act*; or 1966-67, c. 96 (Can.) R.S.C. 1952, c. 184

(*b*) a person who expects to be absent from his polling subdivision during the election period including the advance poll and polling day by reason of his being engaged for hire or reward in the business of transportation by railway, air, water or motor vehicle; or

(*c*) a person certified by a legally qualified medical practitioner, by certificate filed with the returning officer, to be physically incapable of attending a polling place,

may vote by proxy in that polling subdivision.

Appointment of proxy

(2) Any person who is entitled to vote by proxy under this section may appoint in writing a proxy who shall be the wife or husband or a parent, brother, sister or child of such person and an elector entitled to vote in the electoral district in which the person appointing the proxy is qualified to vote.

Term of appointment

(3) The appointment of a proxy shall name the person authorized to vote at an election for which a writ has been issued for the electoral district, and no appointment of a proxy is valid unless it is made after the date of the issue of the writ of election or remains in force after polling day.

Application of proxy to be entered on list

(4) A person who has been appointed a voting proxy may apply to the returning officer to be entered upon the list for the polling subdivision in which the person appointing the proxy is entitled to vote.

Evidence to be taken by returning officer

(5) The returning officer shall take evidence on oath as to the right of the person appointing the proxy to vote in the subdivision upon the list for which his name is entered and as to the qualifications of the voting proxy, and, if he finds that the person appointing the proxy is duly qualified and that the voting proxy is qualified to act for the person appointing the proxy, he shall give a prescribed certificate across the face of the appointment of the voting proxy to that effect and shall cause the name of the voting proxy to be entered on the polling list after the name of the person appointing the proxy.

Not more than one proxy

(6) Not more than one person shall be appointed a voting proxy on behalf of a person appointing the proxy at any election.

Oath on voting

(7) A ballot shall not be delivered to a person who claims to vote as a voting proxy unless he produces his appointment as a voting proxy to the deputy returning officer with the certificate of the returning officer thereon as provided in subsection 5 and takes the prescribed oath.

Record of voting by proxy

(8) The deputy returning officer shall record in the poll book the fact that the person appointing the proxy voted by proxy and the name of the proxy, and shall file the proxy and certificate with the election papers and return them to the returning officer in the envelope provided for that purpose.

Proxy may vote in own right

(9) A person who has been appointed as a voting proxy is entitled to vote in his own right in the electoral district notwithstanding that he has voted as a proxy. R.S.O. 1960, c. 118, s. 87 (1-9), *amended*.

PART III

CANDIDATES

QUALIFICATION

Who may be candidate

36. Every person who,

(*a*) is of voting age;

(*b*) is a Canadian citizen or other British subject;

(*c*) has resided in Ontario for the twelve months next preceding the day of polling; and

R.S.O. 1960, c. 208

(*d*) is not disqualified by *The Legislative Assembly Act* or by any other Act,

is qualified to be a candidate. R.S.O. 1960, c. 118, s. 13, *amended*.

Who may not be candidate

37.—(1) No person who has been engaged as a returning officer in the preparation of the lists of voters to be used at an election is eligible as a candidate at the election. R.S.O. 1960, c. 118, s. 2 (2), *amended*.

Idem

(2) No person who has been found guilty within eight years of an election of a corrupt practice or of an offence relating to an election is eligible to be a candidate at the election. R.S.O. 1960, c. 118, s. 168, *amended*.

NOMINATION

Place and time of nomination

38. The place for the nomination of candidates shall be the court house, municipal hall or some other building in the most central or the most convenient place for the majority of the

voters of the electoral district, and the time appointed for the nomination of candidates shall be from 1 p.m. until 2 p.m. of the day fixed for that purpose. R.S.O. 1960, c. 118, s. 29, *amended*.

Proceedings on nomination day

39.—(1) The returning officer, at the time and place fixed for the nominations, shall make or cause to be made, in the presence of voters there assembled, a pronouncement in the prescribed form, and shall read or cause to be read publicly the writ of election, and he shall then call for nominations or further nominations.

Nominations to be in writing

(2) The nomination shall be by writing signed by at least 100 duly qualified electors of the electoral district and stating the name, residence and occupation or description of the person proposed in such manner as will identify him sufficiently, and a person shall be deemed to be a duly qualified elector if he is qualified to be entered on the list of voters as entitled to vote at the election.

Separate nomination for each candidate

(3) Each candidate shall be nominated by a separate nomination paper, and a duly qualified elector may sign the nomination papers of different candidates.

When to be filed

(4) The nomination paper shall be filed with the returning officer at any time during the ten days immediately preceding nomination day or at any time up to the close of nominations on nomination day.

Consent of candidate

(5) The nomination paper shall be accompanied by the consent in writing of the person therein nominated, except where such person is absent from Ontario, in which case such absence shall be stated in the nomination paper.

Certificate of R.O. as to regularity

(6) Where the nomination paper is filed with the returning officer during the ten days next preceding nomination day or not later than 11 a.m. on nomination day, the returning officer shall then and there examine the paper and, if he is satisfied of the regularity thereof, he shall so certify in writing, and his certificate is final, and the validity of the nomination is not open to question upon any ground whatsoever.

Nomination paper

(7) Where the nomination paper is filed with the returning officer after 11 a.m. on nomination day and before the time fixed for the close of nominations,

acceptance

(*a*) the returning officer shall accept the nomination paper and announce the name of the candidate;

Rejection

(*b*) if, on examination of the nomination paper, it appears to the returning officer that the nomination is invalid for any reason, he shall communicate the facts to the Chief Election Officer and shall not reject the nomination unless the Chief Election Officer authorizes the rejection not later than 2 p.m. on the day next following nomination day, in which case the returning officer shall give notice of the rejection immediately by registered mail to the rejected candidate and all other candidates.

Candidate or agent need not attend

(8) In no case is it necessary for a candidate or his official agent to be present at the nomination meeting. R.S.O. 1960, c. 118, s. 49.

Grant of poll

40.—(1) If more than one candidate is nominated, the returning officer shall grant a poll for taking the votes and, if he declares a candidate to be elected, the election is void. R.S.O. 1960, c. 118, s. 50, *amended*.

Notice of grant of poll

(2) When a poll is granted, the returning officer shall cause the prescribed notice thereof to be printed, declaring the polling places fixed by him and the territorial limits to which they respectively apply, and he shall cause the notice to be posted up in the electoral district at least five days before polling day in the same manner as is provided for the posting up of the proclamation. *New*.

Election by acclamation

41. If only one candidate is nominated or if by the withdrawal of persons nominated there remains only one candidate, the returning officer, at the expiration of the time in which nominations may be received, shall close the election and openly proclaim such candidate to be duly elected. R.S.O. 1960, c. 118, s. 51.

Non-liability of person nominated without consent

42. Nothing in this Act imposes any liability upon a person nominated as a candidate or declared to be a candidate by others without his consent unless he has afterwards given his assent to the nomination or declaration or has been elected. R.S.O. 1960, c. 118, s. 12.

Official agents announced

43. The returning officer shall announce at the place and on the day of nomination, the names and addresses of the official agents of the candidates and, on or immediately after the day of nomination, shall publish such names and addresses in a newspaper published or circulated within the electoral district. R.S.O. 1960, c. 118, s. 52, *amended*.

OFFICIAL AGENT

Appointment of official agent

44.—(1) Every candidate shall appoint an official agent whose name and address shall be declared in writing to the returning officer on or before the nomination day.

On death or incapacity of an agent, appointment of another

(2) In the event of the death or incapacity of an official agent, the candidate shall forthwith appoint another official agent in his place and give notice to the returning officer of the name and address of the person appointed, which shall be published forthwith by the returning officer in the manner provided by section 43. R.S.O. 1960, c. 118, s. 187, *amended*.

Persons disqualified from acting as agents

45. No person shall act as an official agent for a candidate at an election who,

(*a*) is disqualified from voting under section 11; or

(*b*) within eight years before the election has been found guilty of a corrupt practice or an offence relating to an election. R.S.O. 1960, c. 118, s. 9, *amended*.

SCRUTINEER

Right of candidates to undertake duties of scrutineers

46. A candidate may undertake any of the duties that his scrutineer might have undertaken if appointed, or may assist his scrutineer in the performance of such duties, and may be present at any place at which his scrutineer may attend in pursuance of this Act. *New*.

Non-attendance of scrutineers

47. Where expressions are used in this Act that require or authorize any act to be done in the presence of the scrutineers of the candidates, the non-attendance of any scrutineer does not invalidate the act. *New*.

WITHDRAWAL OF CANDIDATE

Withdrawal of candidate after nomination

48.—(1) A candidate may withdraw at any time after his nomination and before the opening of the poll by delivering to the returning officer the prescribed declaration to that effect, signed by himself in the presence of a subscribing witness, and any votes cast for a candidate who has so withdrawn are void, and, if after the withdrawal there remains but one candidate, the returning officer shall return as duly elected the candidate so remaining.

Idem

(2) In the case of a candidate withdrawing where there are more than two candidates, the returning officer if possible, shall cause every deputy returning officer to be notified forthwith of the withdrawal, and notice of the withdrawal shall be posted up in a conspicuous place in every polling place in the electoral district. R.S.O. 1960, c. 118, s. 53, *amended*.

DEATH OF CANDIDATE

Death of candidate

49. If a candidate dies after being nominated and before the close of the poll, the Chief Election Officer shall fix new days for the nomination of candidates and for polling, and the nomination day shall be the nearest day practicable. R.S.O. 1960, c. 118, s. 54, *amended*.

PART IV

Preparation for the Poll

BALLOTS

Ballot paper used

50.—(1) The paper used for printing the ballots shall be as approved by the Chief Election Officer.

Paper to show secret marking

(2) The paper used shall contain a secret thread or other mark so placed as to run through each ballot.

Security to be furnished by manufacturer

(3) The manufacturer of the paper shall furnish security in such amount as is fixed by the Lieutenant Governor in Council that none of the paper manufactured for use in printing the ballots will be supplied by him to any person other than the Queen's Printer, and, upon the delivery of the paper, the number of sheets shall be counted by the Queen's Printer and a receipt therefor in writing signed by the Queen's Printer shall be given to the manufacturer.

Queen's Printer to furnish paper to C.E.O.

(4) The Queen's Printer shall supply the Chief Election Officer with the paper required for the printing of the ballots from time to time as is required, and the Queen's Printer and the Chief Election Officer shall check the number of sheets of ballot paper so supplied and the Chief Election Officer shall give to the Queen's Printer a receipt in writing signed by the Chief Election Officer. R.S.O. 1960, c. 118, s. 63 (1-4), *amended*.

Custody of ballot paper

(5) The Chief Election Officer, before each general election and from time to time, shall cause a check to be made of all ballot paper supplied to him, and such paper shall be kept at all times under lock and key and no one shall have access to the place in which it is kept, except the Chief Election Officer or some person acting directly under his authority. R.S.O. 1960, c. 118, s. 66, *amended*.

C.E.O. to see to printing of ballots

51.—(1) The Chief Election Officer shall cause to be printed on the approved paper a sufficient number of ballots for the poll to be conducted in each electoral district.

(2) The printer shall count the sheets of ballot paper delivered to him and shall give the prescribed receipt therefor to the Chief Election Officer. Printer to give receipt for ballot paper

(3) The names of the candidates shall be shown on the ballot in order of surnames alphabetically arranged, with given names preceding the surnames, with the surnames in bold type, and with consecutive numbers preceding each candidate's name. R.S.O. 1960, c. 118, s. 63 (6-8), *amended.* Form of ballot

(4) A circle shall be shown on the ballot to the right of each candidate's name. Idem

(5) The names of candidates, numbers and circles shall be white and the remainder of the face of the ballot shall be black, but, where there are two or more candidates whose given and surnames are identical or so nearly identical as to create the possibility of confusion, the address of all candidates shall be shown on the face of the ballot immediately under their names in white and in sufficient detail as to identify each candidate. Idem

(6) No other identification such as occupation, title, honour, decoration or degree shall be included with any candidate's name on the ballot. *New.* Idem

(7) The ballots shall be numbered consecutively on the stubs and shall be bound or stitched in books. Numbering of ballots

(8) All ballots shall be of the same description and as nearly alike as possible. Uniformity

(9) The ballots shall bear upon the back the name of the printer who printed them. Printer's name

(10) The printer shall make the prescribed affidavit and deliver it to the Chief Election Officer with the ballots. R.S.O. 1960, c. 118, s. 63 (9-12), *amended.* Affidavit of printer

(11) The Chief Election Officer shall deliver to each returning officer in one or more locked and sealed boxes, the ballots for his electoral district, and the returning officer upon receiving them shall make a count of the ballots and forward the prescribed receipt therefor to the Chief Election Officer. R.S.O. 1960, c. 118, s. 63 (5), *amended.* Supply to be furnished to R.O. and receipt obtained

(12) The returning officer shall supply each deputy returning officer with a sufficient number of ballots to supply the voters on the polling list of his polling place or polling subdivision, and with the necessary materials for voters to mark Supply to D.R.O.

their

their ballots, and when delivering them the returning officer shall certify the number of ballots delivered and shall make a record of the numbers of the ballots delivered to each deputy returning officer, and this record shall be returned to the Chief Election Officer with the other documents required to be returned to him.

Receipt to be given by D.R.O.

(13) The deputy returning officer shall count the ballots as soon as he receives them from the returning officer and forward the prescribed receipt therefor to the returning officer. R.S.O. 1960, c. 118, ss. 64, 65 (2), *amended*.

BALLOT BOXES

Ballot boxes to be furnished

52.—(1) The Chief Election Officer shall supply each returning officer with as many ballot boxes as are required for the conduct of the election.

How made

(2) Every ballot box shall be made of durable material and so constructed that ballots can be deposited therein but cannot be withdrawn without unlocking the box.

Property of the Crown

(3) The ballot boxes, ballots, marking instruments, books, papers and documents procured for or used at an election are the property of the Crown.

Delivery of ballot boxes to D.R.O.

(4) Where it becomes necessary to use the ballot boxes, the returning officer shall deliver one ballot box to every deputy returning officer at least two days before the polling day.

Duty of D.R.O. as to ballot box

(5) A deputy returning officer who has not been supplied with a ballot box within such time shall cause one to be made forthwith.

Disposition of ballot boxes

(6) After the close of the election, the returning officer shall make such disposition of the ballot boxes as is directed by the Chief Election Officer. R.S.O. 1960, c. 118, ss. 39-43, *amended*.

POLLING PLACES

Polling places

53.—(1) Subject to subsection 4, and to section 54, the returning officer, on receiving the writ, shall provide at least one polling place for each polling subdivision in the most central or most convenient place for the voters, furnished with light and heat and such other accommodation and furniture as may be required, and, if the Chief Election Officer approves, the polling place may be provided outside the limits of the polling subdivision.

(2) The returning officer may unite two or more adjoining polling subdivisions and provide one polling place for the united subdivisions. Union of polling subdivisions

(3) A polling place may be situated in a schoolhouse, hall or other public building or on private property. Location of polling places

(4) The poll shall not be held in a premises licensed under *The Liquor Licence Act* or in a place of public entertainment, except as authorized by the Chief Election Officer. Where polling places not to be R.S.O. 1960, c. 218

(5) The returning officer may provide such additional polling places in any polling subdivision as are required having regard to the extent of the subdivision, the remoteness of any number of its voters from the polling place and the number of voters that may conveniently vote at one polling place. Additional polling places

(6) Where there are two or more polling places in a subdivision, each polling place shall be designated by the initial letters of the surnames of the voters who are to vote in such polling place, in the following manner, thus, from A to M inclusive and from N to Z inclusive, or as may be determined by the returning officer. Division to be according to initial letters of voters' names

(7) Every voter, the initial letter of whose surname is included within the letters of the alphabet designating a polling place, shall vote in the polling place so designated. Where voters to vote

(8) Every voter has free access to the poll. R.S.O. 1960, c. 118, ss. 45, 46, *amended*. Access

HOSPITALS, HOMES FOR THE AGED, AND OTHER INSTITUTIONS

54.—(1) Where in an electoral district there is situate a hospital or other institution for the reception, treatment or vocational training of persons who have served or are serving in the Canadian Forces or the armed forces of any member of the Commonwealth, or who are blind or deaf, a Workmen's Compensation hospital, a home for the aged, a nursing home or other institution of twenty beds or more, in which chronically ill or infirm persons reside, a polling place shall be provided in such institution or upon the premises, and, for the purpose of polling, the institution shall be deemed to be a polling place and every person resident in the institution who is entered on the polling list shall vote at such polling place. Polling places in hospitals, etc.

(2) Where a patient of such a hospital or other institution is bed-ridden or is unable to walk, it is lawful for the deputy returning officer and poll clerk with the candidates or their Incapacitated patients

scrutineers

scrutineers to attend upon such person for the purpose of receiving his ballot, but no candidate or scrutineer shall be present where the ballot of any such voter is marked under section 84. R.S.O. 1960, c. 118, s. 47, *amended*.

VOTING COMPARTMENTS

Compartments for voters to mark ballots

55. Every polling place shall be furnished with compartments in which voters may mark their ballots without other persons being able to see how they are marked, and it is the duty of the returning officer and the deputy returning officer respectively to ensure that a sufficient number of compartments is provided at each polling place. R.S.O. 1960, c. 118, s. 48.

PROCEEDINGS PRELIMINARY TO THE POLL

Appointment of D.R.O. and poll clerk

56.—(1) The returning officer shall appoint in writing a deputy returning officer and a poll clerk for every polling place.

How to be selected

(2) The returning officer, as far as possible, shall select and appoint the deputy returning officer and poll clerk so that they represent two different political interests, as provided in subsection 3.

Nomination of D.R.O. and poll clerk

(3) Subject to subsection 4, the returning officer shall appoint a deputy returning officer from a list of names provided to him by the person who apparently will be the candidate at the election of the political interest represented by the Government of the day and shall appoint a poll clerk from a list of names provided to him by the person who apparently will be the candidate at the election of a different political interest, the candidate for which, at the next preceding provincial election, received the highest number of votes or the next highest number of votes, as the case may be.

Insufficient nomination

(4) If seventy-two hours before the opening of the polls the returning officer has received an insufficient number of names to provide a deputy returning officer and a poll clerk representing two different political interests for each polling place, he shall make such additional appointments as are necessary.

Oath of office

(5) Every deputy returning officer and poll clerk, before acting, shall take and subscribe the prescribed oath.

Qualification

(6) No person shall be appointed a deputy returning officer or poll clerk who is not qualified to vote at the election.

Duties of poll clerk

(7) The poll clerk shall assist the deputy returning officer in the performance of the duties of his office and shall obey his orders.

(8) In case of the death, illness, absence, refusal or neglect to act, or in case from any cause the deputy returning officer becomes unable to perform his duties, until another deputy returning officer is appointed, the poll clerk shall act as deputy returning officer and perform all the duties and is subject to all the obligations of that office, without taking the oath of a deputy returning officer. Death or absence of D.R.O.

(9) The appointment and oath of the deputy returning officer shall be endorsed upon or attached to the poll book. Idem

(10) The returning officer shall deliver to each deputy returning officer, at least forty-eight hours before the polling day, the polling list, a blank poll book and such other materials as are provided by the Chief Election Officer. R.S.O. 1960, c. 118, ss. 56, 57, 59, 62, 67 (1); R.S.O. 1960, c. 420, ss. 59, 60, *amended.* Supplies to D.R.O.

WHERE VOTERS TO VOTE

57. If the name of a person entitled to vote is entered on the polling list for more than one polling subdivision, he shall vote only at one polling place. R.S.O. 1960, c. 118, s. 73 (1), *amended.* Voter to vote in one subdivision only

CERTIFICATES OF OUTSIDE VOTERS

58.—(1) The returning officer, on the personal or written request of a person entitled to vote who has been appointed a deputy returning officer or poll clerk or scrutineer of any of the candidates at a polling place other than the one at which he is entitled to vote, shall give him a prescribed certificate that he is entitled to vote at the polling place at which he is stationed during the polling day, so long as that polling place is within the electoral district in which his name appears on the polling list, and the certificate shall bear the date upon which it is signed by the returning officer. D.R.O., poll clerk and agents may vote at polling places where they are employed

(2) The returning officer shall not give such a certificate until he has ascertained by reference to the polling list that the applicant is entitled to vote, and after giving the certificate he shall forthwith give notice in writing thereof to the deputy returning officer for the polling place at which the applicant appears by the polling list to be entitled to vote, and the person to whom the certificate has been given is not thereafter entitled to vote at such polling place. When certificate for that purpose may be given

(3) The returning officer shall not give such a certificate unless requested to do so at least forty-eight hours before polling day. Time of request

Polling place to be designated

(4) The certificate shall designate the polling place at which the person is to be permitted to vote.

List of persons obtaining or refused certificates

(5) The returning officer shall keep a list in which he shall enter before he delivers a certificate under this section,

(*a*) the name and residence of the person to whom he gives the certificate;

(*b*) the polling place at which the person is authorized to vote under the certificate;

(*c*) the polling place at which the person appears by the polling list to be entitled to vote;

(*d*) whether the certificate is granted to him as deputy returning officer, poll clerk or scrutineer, and, if as scrutineer, the name of the candidate for whom he is scrutineer; and

(*e*) if a certificate is refused, the name of the person applying for the certificate with the grounds of refusal, and, if the person is applying as scrutineer of a candidate, the name of the candidate,

and the list shall be open to inspection by any candidate, official agent, scrutineer or voter. R.S.O. 1960, c. 118, s. 74 (1-6), *amended*.

Production of certificate

59.—(1) A person who produces a certificate given to him under section 58, is entitled to vote at the polling place designated therein, but the certificate does not entitle him to vote there unless he has been actually engaged there as a deputy returning officer, poll clerk or scrutineer during polling day.

Person receiving a certificate to take oath of qualification before voting

(2) A person who receives a certificate, whether a deputy returning officer, poll clerk, or scrutineer shall not vote until he has taken one or other of the prescribed oaths of qualification.

Before whom oath to be taken

(3) The oath shall be administered to a deputy returning officer by the poll clerk or, in his absence by the scrutineer of a candidate authorized to be present, and to a poll clerk or scrutineer by the deputy returning officer.

Entry on list of persons voting under authority of a certificate

(4) The deputy returning officer shall enter or cause to be entered in the column for remarks in the poll book opposite the name and residence of the person voting under the authority of a certificate, the words "Voted under Certificate".

(5) A person voting under the authority of a certificate shall deliver it to the deputy returning officer before receiving his ballot. Certificate to be delivered by person voting

(6) The deputy returning officer shall enclose all such certificates in one envelope. R.S.O. 1960, c. 118, s. 75, *amended*. Preservation

PART V

The Poll

VOTING BY BALLOT

60. The votes shall be given by ballot. R.S.O. 1960, c. 118, s. 79. Voting to be by ballot

PRESERVATION OF THE PEACE

61. A returning officer or a deputy returning officer may require the assistance of justices of the peace, constables and other persons to aid him in maintaining peace and order at the election and may swear in as many constables as he deems necessary. R.S.O. 1960, c. 118, s. 144. Assistance by justices and constables

SECRECY OF PROCEEDINGS

62. In addition to the deputy returning officer, the poll clerk, the constable or constables, the candidates and their official agents and not more than one scrutineer for each candidate at any one time shall be permitted to remain in the polling place during the time the poll remains open and at the counting of the votes. R.S.O. 1960, c. 118, s. 100, *amended*. Who may be in polling places

63. No person shall communicate any information obtained at a polling place as to the candidate for whom a voter at the polling place is about to vote or has voted. R.S.O. 1960, c. 118, s. 147 (3). Communicating information as to how a voter is voting

64. No person shall interfere or attempt to interfere with a voter when the voter is marking his ballot, or attempt to obtain at the polling place information as to the candidate for whom a voter is about to vote or has voted. R.S.O. 1960, c. 118, s. 147 (2). Interference with voters

65. Subject to section 84, while a voter is in a compartment for the purpose of marking his ballot, no other person shall be allowed to enter the compartment or to be in a position from which he can see for whom the voter marks his ballot. R.S.O. 1960, c. 118, s. 95, *amended*. Exclusion from balloting compartment

Inducing voter to display ballot after marking

66. No person shall, directly or indirectly, induce or attempt to induce a voter to show his ballot after he has marked it so as to make known to any person the name of the candidate for whom he has voted. R.S.O. 1960, c. 118, s. 148.

Voter not to display marked ballot

67. Subject to section 84, a voter shall not show his ballot, when marked, to any person so as to allow the name of the candidate for whom he has voted to be known. R.S.O. 1960, c. 118, s. 149.

Oath of secrecy

68. Every returning officer and every deputy returning officer, clerk, constable, official agent, scrutineer and other person authorized to attend at a polling place, or at the counting of the votes, shall before entering on his duties take the prescribed oath of secrecy. R.S.O. 1960, c. 118, s. 150, *amended.*

No one compellable to disclose his vote

69. A person who has voted shall not in any legal proceeding be compelled to state for whom he voted. R.S.O. 1960, c. 118, s. 152, *amended.*

ADVANCE POLLS

Advance polls

70.—(1) The Saturday and Monday immediately preceding polling day shall be days on which polls shall be held for the purpose of receiving votes of voters who expect to be unable to vote on polling day in the polling subdivisions for which their names appear on the polling lists.

Time of poll

(2) The advance polls shall be open from 11 a.m. to 8 p.m. on each of the two days.

Fixing the polling places

(3) The returning officer shall provide as many polling places as are approved by the Chief Election Officer, fix their location and appoint a deputy returning officer and poll clerk for each polling place. R.S.O. 1960, c. 118, s. 77 (1-3), *amended.*

Accessibility to wheel chairs

(4) The returning officer, in fixing the location of the polling places, shall select, so far as is reasonably possible, public places or premises that afford access to wheel chairs. *New.*

Notice of polls

(5) Notice of the times and places at which advance polls will be opened shall be given by the returning officer, before the days for holding the poll, by posting up notices in the prescribed form at each of the polling places so appointed and in conspicuous places in the electoral district and by advertisement in a newspaper having general circulation in the electoral district.

(6) Every person offering himself as a voter at the polling place shall be required by the deputy returning officer before being allowed to vote to make the prescribed declaration which shall be kept by the deputy returning officer with the other records of the poll. Declaration of voter

(7) Forthwith after the close of the poll each day, the deputy returning officer shall make up and deliver or mail to the returning officer a list of the names of all persons who have voted showing in each case the number of the polling subdivision in which the voter is entered on the polling list, and the returning officer shall furnish every candidate with a copy of such list. List of persons voting

(8) Upon receiving the list mentioned in subsection 7, the returning officer shall make an entry in the polling list to be supplied to each deputy returning officer on polling day opposite the name of each voter whose name appears on such list and whose vote has been received at an advance poll, showing that such voter has polled his vote. Noting other deputy returning officer's lists

(9) On the general polling day, the deputy returning officer shall, in the presence of such candidates, official agents and scrutineers as are present at the hour fixed for the closing of the poll, open the ballot boxes, count the votes and perform all other duties required of deputy returning officers by this Act. R.S.O. 1960, c. 118, s. 77 (4, 5, 9, 10, 11), *amended*. Close of poll

TIME OF GENERAL POLL

71.—(1) Subject to subsection 2, the polls at every election to the Assembly shall open at 8 a.m. and remain open until 7 p.m. of the same day. Hours of polling generally

(2) Where the Chief Election Officer considers it desirable for the convenience of the voters that the polls should be opened in any electoral district at an earlier hour than 8 a.m., the Chief Election Officer may direct the polls to be opened in such electoral district at such time earlier than 8 a.m., but not earlier than 6 a.m., as he considers expedient. R.S.O. 1960, c. 118, s. 76, *amended*. When C.E.O. may provide for earlier opening

PROCEDURE AT POLL

72.—(1) The deputy returning officer shall attend at the polling place at least fifteen minutes before the hour fixed for opening the poll. Attendance of D.R.O.

(2) During such fifteen minutes and before the opening of the poll, the scrutineers who are entitled to be present in the polling place during polling hours are entitled to have the Counting ballots before opening of poll

ballots

ballots intended for use thereat counted in their presence and to inspect the ballots and all other papers, forms and documents relating to the poll. R.S.O. 1960, c. 118, s. 80, *amended*.

Deputy to show box empty, and lock and seal it

73. The deputy returning officer, before opening the poll, shall show the ballot box to such persons as are present in the polling place so that they may see that it is empty and he shall then lock the box and place a seal as prescribed by the Chief Election Officer upon it in such manner as to prevent its being opened without breaking the seal, and he shall then place and keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed. R.S.O. 1960, c. 118, s. 81, *amended*.

One voter only for each compartment

74. Each voter upon entering the room where the poll is held shall declare his name and place of residence, which particulars shall be entered in the poll book by the poll clerk with a consecutive number being prefixed to the name, and not more than one voter shall enter a voting compartment at one time. R.S.O. 1960, c. 118, s. 82, *amended*.

Persons on polling list to be allowed to vote on taking oath if required

75. Subject to sections 59 and 78, the deputy returning officer shall not receive the vote of any person whose name is not entered on the polling list, but shall receive the vote of every person whose name is entered thereon if such person where required by a candidate or scrutineer or by the deputy returning officer, takes the oath of qualification and the oath of allegiance or whichever is required to be taken. R.S.O. 1960, c. 118, s. 83, *amended*.

When D.R.O. to swear voter

76. If a deputy returning officer has reason to believe that a person offering to vote is not a qualified voter or has already voted, or is attempting to vote under a false name or designation or is personating or representing himself falsely as being upon the polling list, the deputy returning officer shall administer the prescribed oath to the voter, whether or not he has been requested to do so. R.S.O. 1960, c. 118, s. 86 (1).

Voters refusing to be sworn

77. A person who has refused to take the oath when required so to do shall not receive a ballot or vote. R.S.O. 1960, c. 118, s. 93 (1), *amended*.

Where voter's name omitted in territory without municipal organization

78.—(1) In territory without municipal organization, any qualified voter whose name has been omitted in error from the polling list may apply to the deputy returning officer for the polling subdivision in which he resides to have his name added to the list, and his name shall be added to the list,

(*a*) if he takes the prescribed oath as to his omission from the list and his eligibility to vote; and

(*b*) if he is accompanied by a voter who is resident in the same polling subdivision and whose name is on the polling list and who takes the prescribed oath that,

(i) he knows the person whose name has been omitted, and

(ii) he believes such person to be duly qualified to be entered on the polling list to vote at the election.

Name to be entered on list

(2) The deputy returning officer, after administering the prescribed oaths, shall cause the applicant's name to be added to the polling list with the word "Sworn" written thereafter.

Right to vote

(3) The applicant, upon taking the oath and being vouched for, is entitled to vote. R.S.O. 1960, c. 118, s. 84, *amended*.

Application to advance poll

(4) This section does not apply to an advance poll. *New*.

D.R.O. to put initials on back of ballot

79. Every person who is entitled to vote shall receive from the deputy returning officer a ballot on the back of which the deputy returning officer has previously put his initials, so placed as indicated thereon that when the ballot is folded they can be seen without opening it. R.S.O. 1960, c. 118, s. 87, *amended*.

Instructions to voter

80. The deputy returning officer shall, upon the request of the voter, instruct him how to mark and fold his ballot, but without inquiring or seeing for whom he intends to vote, except in the cases provided for by section 84. R.S.O. 1960, c. 118, s. 88.

Mode of marking, folding and depositing ballot

81. The voter on receiving his ballot shall forthwith proceed into one of the compartments of the polling place and there mark his ballot with a cross or other mark with a pen or pencil within the white circle following the name of the candidate for whom he intends to vote, and shall then fold the ballot so that the initials on the back of it can be seen without opening it, and hand it to the deputy returning officer who shall, without unfolding it, ascertain by examining his initials that it is the same ballot that he gave to the voter, and shall then, in full view of all present, including the voter, place the ballot in the ballot box. R.S.O. 1960, c. 118, s. 91, *amended*.

Entries to be made in poll book as to voters

82. The poll clerk shall enter in the poll book opposite the name of each voter voting the word "Voted" as soon as the ballot has been deposited in the ballot box, and shall enter in the same book the word "Sworn" or "Affirmed" opposite the name of each voter to whom the oath has been administered, and the words "Refused to be Sworn" or "Refused to Affirm" opposite the name of each voter who has refused to take an oath when he has been required so to do. R.S.O. 1960, c. 118, s. 92.

Voters to leave as soon as possible

83. A voter shall vote without undue delay and shall leave the polling place as soon as his ballot has been placed in the ballot box. R.S.O. 1960, c. 118, s. 94.

Voter incapacitated by blindness, etc.

84.—(1) On the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in accordance with the other provisions of this Act, the deputy returning officer shall require the voter making the application to take an oath of his incapacity to vote without assistance, and shall thereafter assist the voter by marking his ballot in the manner directed by the voter in the presence of the poll clerk and of no other person, and place the ballot in the ballot box.

Blind voter's ballot marked by friend

(2) The deputy returning officer shall either deal with a blind voter in the manner provided in subsection 1 or, at the request of any blind voter who has taken the prescribed oath and is accompanied by a friend, shall permit the friend to accompany the blind voter into the voting compartment and mark the voter's ballot for him.

Oath of friend

(3) Any friend who is permitted to mark the ballot of a blind voter under subsection 2 shall first be required to take an oath that he will keep secret the name of the candidate for whom the ballot of the blind voter is marked by him.

May act as friend once only

(4) No person shall be allowed to act as the friend of more than one blind voter at any polling place other than a polling place established under section 54.

Entry in poll book

(5) The deputy returning officer shall enter in the column for remarks in the poll book opposite the voter's name the reason why the ballot was marked by him or by a friend of the voter. R.S.O. 1960, c. 118, s. 89, *amended*.

Voters who cannot understand English

85. Where a voter does not understand the English language, an interpreter may be sworn in the prescribed form to translate the necessary oaths as well as any lawful questions necessarily put to the voter and his answers, but in

the event of inability to secure an interpreter, the voter shall, for the time being, be refused a ballot. R.S.O. 1960, c. 118, s. 90, *amended*.

When person deemed to have voted

86. A person who has placed or caused to be placed his ballot in the ballot box, or has delivered it to the deputy returning officer or poll clerk for the purpose of having it placed in the ballot box shall be deemed to have voted. R.S.O. 1960, c. 118, s. 99, *amended*.

Voter not to take his ballot from polling place, etc.

87. A person who has received a ballot shall not take it out of the polling place, and a person who receives a ballot and leaves the polling place without delivering it to the deputy returning officer, or returns his ballot declining to vote, forfeits his right to vote, and the deputy returning officer shall make an entry in the poll book in the column for remarks to the effect that the person received a ballot but took it out of the polling place or returned it declining to vote, as the case may be, and in the latter case the deputy returning officer shall immediately write the word "Declined" upon the ballot and preserve it to be returned to the returning officer. R.S.O. 1960, c. 118, s. 96.

Where ballot accidentally spoiled

88. A voter who has inadvertently dealt with his ballot in such a manner that it cannot be conveniently used, upon returning it to the deputy returning officer, is entitled to obtain another ballot, and the deputy returning officer shall immediately write the word "Cancelled" upon the first-mentioned ballot and preserve it to be returned to the returning officer. R.S.O. 1960, c. 118, s. 98.

Voter who alleges he has been personated

89.—(1) If a person representing himself to be a voter applies for a ballot after another person has voted as such voter, he is entitled to receive a ballot and to vote after taking the prescribed oath and otherwise establishing his identity to the satisfaction of the deputy returning officer.

Name of voter, etc., to be entered in poll book

(2) The name of the voter shall be entered in the poll book and a note shall be made of his having voted on a second ballot and of the fact of the oath having been taken and of any objections made on behalf of any, and of which, of the candidates. R.S.O. 1960, c. 118, s. 97.

TIME FOR VOTING

Employees to have three consecutive hours for voting

90.—(1) Where, by reason of the hours of his employment, an employee who is a qualified voter will not have three consecutive hours to vote while the polls are open on a polling day at an election, his employer shall, at the convenience of the employer, allow the employee such time for voting as is necessary to provide the three consecutive hours.

Deduction from pay prohibited

(2) No employer shall make any deduction from the pay of any such employee or exact from him any penalty by reason of absence from his work during the time allowed by the employer for voting. R.S.O. 1960, c. 118, s. 10 (1, 2).

ELECTION INTERRUPTED

When election or polling is not commenced or is interrupted

91. If by reason of riot or other emergency a nomination meeting or the voting at a polling place is not commenced on the proper day or is interrupted after being commenced and before the lawful closing thereof, the returning officer or deputy returning officer, as the case may be, shall hold or resume the election or polling on the following day at 1 p.m. in the case of a nomination meeting, and at 8 a.m. in the case of a polling, and continue the same from day to day, if necessary, until a fair opportunity for nominating candidates has been given or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eleven hours in all. R.S.O. 1960, c. 118, s. 7.

EFFECT OF IRREGULARITIES

Irregularities not affecting result

92. No election shall be declared invalid,

(*a*) by reason of any irregularity on the part of the returning officer or in any of the proceedings preliminary to the poll;

(*b*) by reason of a failure to hold a poll at any place appointed for holding a poll;

(*c*) by reason of non-compliance with the provisions of this Act as to the taking of the poll, as to the counting of the votes or as to limitations of time; or

(*d*) by reason of any mistake in the use of the prescribed forms,

if it appears to the tribunal having cognizance of the matter that the election was conducted in accordance with the principles of this Act and that the irregularity, failure, non-compliance or mistake did not affect the result of the election. R.S.O. 1960, c. 118, s. 6 (1).

PROCEEDINGS AFTER CLOSE OF POLL

Duties of deputy returning officer after close of poll

93. Immediately after the close of the poll, the deputy returning officer shall place all the cancelled and declined ballots in separate envelopes and seal them up, and shall then count the number of voters whose names appear by the

poll book to have voted and make an entry thereof on the line immediately below the name of the voter who voted last, thus: "The number of voters who voted at this election in this polling place is (stating the number)", and he shall sign his name thereto; then, in the presence and in full view of the persons entitled to be present, he shall open the ballot box and proceed to count the number of votes for each candidate, giving full opportunity to those present to examine each ballot. R.S.O. 1960, c. 118, s. 102.

What ballots to be rejected in counting votes

94.—(1) The deputy returning officer shall reject all ballots, herein called "rejected ballots",

(*a*) that have not been supplied by him; or

(*b*) by which votes have been given for more than one candidate; or

(*c*) on which more than one mark appears; or

(*d*) upon which there is any writing or mark by which the voter can be identified,

but no word, letter or mark written or made or omitted to be written or made by the deputy returning officer on a ballot warrants its rejection. R.S.O. 1960, c. 118, s. 103.

Objections to be noted.

(2) The deputy returning officer shall make a note of every objection taken to a ballot by a candidate or his scrutineer, and shall decide the objection subject to review on recount or on petition questioning the election or return.

numbered and initialled

(3) Each objection shall be numbered and a corresponding number placed on the back of the ballot and initialled by the deputy returning officer. R.S.O. 1960, c. 118, s. 104, *amended*.

How ballots to be counted

95.—(1) All the ballots not rejected by the deputy returning officer shall be counted and all the ballots indicating the votes given for each candidate respectively shall be put into separate envelopes and an account shall be kept of the number of ballots cast for each candidate and of the number of rejected and cancelled ballots.

Rejected and unused ballots

(2) All rejected and unused ballots shall be put into separate envelopes, which shall be endorsed so as to indicate their contents and sealed by the deputy returning officer, and any agent present may write his signature across the flap of the envelope and may also affix his seal. R.S.O. 1960, c. 118, s. 105, *amended*.

Statement of result to be made by D.R.O.

96.—(1) The deputy returning officer shall make out a prescribed statement in triplicate, one part to remain attached to the poll book, the second part to be retained by him, and the third part to be enclosed by him in a special envelope supplied for the purpose, which he shall seal and deposit in the ballot box.

Signatures to statement

(2) The statement shall be signed forthwith by the deputy returning officer and poll clerk and such of the candidates or their scrutineers as may be present who desire to sign it.

Certificate of result of poll

(3) The deputy returning officer shall then deliver to each of the candidates or their scrutineers a certificate in the prescribed form of the number of ballots cast for each candidate and of the number of rejected ballots. R.S.O. 1960, c. 118, s. 106, *amended.*

Oath of poll clerk

97. The poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe the prescribed oath. R.S.O. 1960, c. 118, s. 107, *amended.*

Poll book, envelopes, etc., to be placed in large envelope in ballot box

98. The poll book, polling list, envelopes containing the ballots and all other documents that served at the election shall then be placed in the large envelope supplied for the purpose, which shall then be sealed and placed in the ballot box. R.S.O. 1960, c. 118, s. 108.

Ballot box to be delivered to R.O.

99.—(1) The deputy returning officer shall then lock and seal the ballot box and forthwith deliver it personally to the returning officer, and, if he is unable to do so owing to illness or other cause, he shall deliver it to the poll clerk or, where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering it to the returning officer, and shall thereon, or on a ticket attached thereto, write the name of the person to whom the box was delivered, and shall take a receipt therefor, and the poll clerk or person so chosen shall forthwith personally deliver the ballot box to the returning officer and shall take before him the prescribed oath.

Right of candidates, etc., to be present

(2) The candidates, their official agents or scrutineers are entitled to be present when the ballot box is delivered pursuant to subsection 1.

Ballot box may be forwarded by registered mail

(3) In lieu of proceeding under subsection 1, after locking and sealing the ballot box, the deputy returning officer may forward it by registered mail to the returning officer.

Oath of D.R.O.

(4) As soon as the deputy returning officer has complied with subsection 1 or 3, he shall take and subscribe the prescribed oath and shall personally deliver or send it by registered mail to the returning officer. R.S.O. 1960, c. 118, s. 109.

PART VI

PART VI

After the Poll

RECEIPT OF BALLOT BOXES BY RETURNING OFFICER AND HIS OFFICIAL COUNT

Duty of R.O. on receipt of boxes

100. When the returning officer receives a ballot box, he shall take every precaution for its safekeeping and for preventing any person other than himself and the election clerk from having access to it, and, immediately on the receipt of a ballot box, he shall seal it with the seal as prescribed by the Chief Election Officer in such a way that it cannot be opened without the seal being broken and without effacing or covering the seals affixed to it. R.S.O. 1960, c. 118, s. 110, *amended*.

Count by R.O. and declaration of result

101. The returning officer, at the place, day and hour appointed by his proclamation and after having received all the ballot boxes, shall open the ballot boxes, the large envelopes containing the poll books and the envelopes containing the statements of the poll, but shall not open any of the other sealed envelopes, and in the presence of the election clerk and of the candidates or their official agents and scrutineers, if present, shall add up the votes given for each candidate from the statements of the poll contained in the ballot boxes and shall forthwith declare to be elected the candidate having the largest number of votes. R.S.O. 1960, c. 118, s. 111.

Casting vote

102. If, on the addition of the votes by the returning officer, an equal number of votes is found to have been cast for two or more candidates and an additional vote would entitle one of them to be declared elected, the returning officer shall give the additional or casting vote. R.S.O. 1960, c. 118, s. 112.

PROCEEDINGS IN CASE OF NON-RETURN OF BALLOT BOXES

Adjournment of proceedings where ballot boxes not delivered

103. If all the ballot boxes are not returned on the day fixed for adding up the votes, the returning officer shall adjourn the proceedings to a subsequent day, which shall be not more than seven days later than the day originally fixed. R.S.O. 1960, c. 118, s. 113.

Where default made by D.R.O. in returning documents

104. If a deputy returning officer has not enclosed in the ballot box the statement of the ballots counted by him as required by this Act, or if for any other cause the returning officer cannot, at the day and hour appointed by him for adding up the votes, ascertain the number of votes given for each candidate, he may adjourn to a future day and hour the

adding

adding up of the votes, and so on from time to time, such adjournment or adjournments not in the aggregate to exceed fourteen days. R.S.O. 1960, c. 118, s. 114.

Disappearance of ballot boxes of R.O.

105. If any of the ballot boxes have been destroyed or lost or, for any other reason, are not forthcoming by the time fixed for adding up the votes, the returning officer shall ascertain the cause and shall procure from each deputy returning officer whose ballot box is missing, or from any other person having them, the statements and certificates of the number of votes given for each candidate, or copies of them, all to be verified by oath. R.S.O. 1960, c. 118, s. 115.

Procedure of R.O. where lists, statements, etc., cannot be found

106. If the statements and certificates, or any of them, or copies of them, cannot be procured, the returning officer shall ascertain, by such evidence as he is able to obtain, the total number of votes given for each candidate at the several polling places, and may summon any deputy returning officer, poll clerk or other person to appear before him, at a time and place to be named by him, with all necessary papers and documents, and the returning officer shall notify the candidates of the intended proceedings and may examine on oath such deputy returning officer, poll clerk or other person respecting the matter in question. R.S.O. 1960, c. 118, s. 116.

When D.R.O. has neglected to deliver statement of result

107. In case of an adjournment by reason of any deputy returning officer not having placed in the ballot box a statement of the ballots counted by him, the returning officer, in the meantime, shall use all reasonable efforts to ascertain the number of votes given for each candidate at the polling place of such deputy returning officer and has the powers conferred by section 106. R.S.O. 1960, c. 118, s. 117.

Special report by R.O.

108. The returning officer shall return the candidate having the largest number of votes, and shall specify in a report to be sent with the return the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement, and the mode by which he ascertained the number of votes given for each candidate. R.S.O. 1960, c. 118, s. 118.

RECOUNT OR FINAL ADDITION BY COUNTY JUDGE

Interpretation

109.—(1) In this section and in sections 110 to 121, "judge" means the judge of the county or district court, and, where there are two or more judges, the senior judge or, in the case of the illness or absence of the senior judge or where the senior judge requests him to act, a junior judge.

Where recount may be had

(2) If, upon the application of a candidate or a voter made within four days after the day on which the returning officer

added the votes for the purpose of declaring a candidate elected, it is made to appear by affidavit to the judge of the court of the county or district in which the electoral district or any part of it is situate,

(*a*) that a deputy returning officer has in counting the votes, improperly counted any ballot, improperly rejected any ballot or made an incorrect statement of the number of ballots cast for any candidate; or

(*b*) that the returning officer has improperly added up the votes,

and, if the applicant deposits within that time with the clerk of the county or district court the sum of $100 in legal tender, money order or a cheque drawn upon and accepted by a chartered bank or trust company doing business in Ontario as security for the costs in connection with the recount or final addition of the candidate appearing by the addition to be elected, the judge may appoint a time and place to recount or finally add up the votes cast at the election.

What judge to hold recount when district in two or more counties

(3) Where the electoral district comprises parts of two or more counties or districts, the application shall be made to and the recount or final addition shall take place before the judge of the court of the county or district having the larger or largest population according to the last federal census. R.S.O. 1960, c. 118, s. 119, *amended*.

Notice of application

(4) Before an application is made to the judge under subsection 2, the applicant shall give notice in writing of the application to the candidates or the other candidates, as the case may be, or their official agents, to the returning officer and to the election clerk.

Idem

(5) A notice under subsection 4 shall be given by serving it personally on the person to whom it is to be given or by sending it by registered mail addressed to his place of residence.

Notice of time and place of recount

110. At least two days notice in writing of the time and place appointed for the recount or final addition shall be given by the applicant to the candidates, the returning officer and the election clerk, and the judge may, at the time of the application or afterwards, direct that service of the notice upon the candidates, the returning officer and the election clerk may be substitutional or be made by mail or in such other manner as he considers proper. R.S.O. 1960, c. 118, s. 120.

R.O. to withhold return

111. After the receipt of the notice, the returning officer shall delay making his return to the Chief Election Officer until he receives a certificate from the judge of the result of the recount or final addition, and, upon receipt of the certificate, he shall make his return. R.S.O. 1960, c. 118, s. 121.

Presence of clerk of county or district

112. The judge may require the clerk of the county or district court to be present at the time and place appointed. R.S.O. 1960, c. 118, s. 122.

Summoning officers to be presented with documents

113.—(1) The returning officer and his election clerk shall attend at the time and place appointed with the envelopes containing the ballots or the original statements of the poll, as the case may be.

Production and custody of ballot papers on a recount

(2) The ballots and original statements shall continue in the custody of the returning officer, and he is responsible for them subject to any direction that the judge may give with respect thereto. R.S.O. 1960, c. 118, s. 123.

Who to be present at recount

114. The returning officer and the election clerk shall be present at the recount or final addition, and each candidate is entitled to be present and to be represented by not more than two scrutineers, and, except with the permission of the judge, no other person shall be present. R.S.O. 1960, c. 118, s. 124, *amended*.

Procedure by judge

115. At the time and place appointed and in the presence of such of the persons mentioned in section 114 as are present, the judge shall make his final addition from the statements contained in the ballot boxes returned by the deputy returning officer, or recount all the votes or ballots returned by the deputy returning officers, as the case may be, and shall, in the latter case, open all the sealed envelopes containing,

(*a*) the used ballots that have been counted;

(*b*) the rejected ballots;

(*c*) the cancelled ballots;

(*d*) the declined ballots; and

(*e*) the unused ballots. R.S.O. 1960, c. 118, s. 125.

Rules to govern judge in proceedings

116. The judge shall, in the case of a recount, proceed according to the rules of the counting of the ballots at the close of the poll by the deputy returning officer and shall verify or correct the statement of the poll. R.S.O. 1960, c. 118, s. 127, *amended*.

Sealing up ballots at close of recount

117.—(1) Upon the completion of the recount, the judge shall seal up all the ballots in their separate envelopes and, upon the completion of his final addition, he shall seal up the original statements in their respective envelopes.

Distinguishing disputed ballots

(2) If either party requests him to do so, the judge shall number on the back the disputed ballots and enclose them in a separate envelope. R.S.O. 1960, c. 118, s. 128.

Review of decision of R.O. when ballot box or documents missing

118.—(1) Where a ballot box used at a polling place was not available to the returning officer when he made his decision with respect to the number of votes given for a candidate or where the proper statements or papers were not found in the ballot box, the judge shall, if necessary or required, review the decision of the returning officer.

Powers of judge

(2) For the purpose of arriving at the facts, the judge has all the powers of the returning officer with regard to the attendance and examination of witnesses or he may act upon the evidence taken by the returning officer. R.S.O. 1960, c. 118, s. 129.

When judge to send in his certificate

119.—(1) The judge shall delay sending his certificate to the returning officer for two days after the completion of the recount or final addition in order to allow for an appeal as provided in section 122.

When declaration of result to be given

(2) If no notice of appeal is given to the judge within two days after the completion of the recount or his final addition, the judge shall certify forthwith the result to the returning officer who shall then declare the candidate having the largest number of votes to be elected.

Casting vote

(3) In the case of an equality of votes, the returning officer shall give the casting vote. R.S.O. 1960, c. 118, s. 130.

Costs

120.—(1) The costs of the recount or final addition are in the discretion of the judge who may order by whom, to whom, including the returning officer and election clerk, and in what manner they shall be paid.

Taxing and allowing costs

(2) The judge shall tax the costs and shall, as nearly as may be, follow the tariff of costs with respect to proceedings in the Supreme Court. R.S.O. 1960, c. 118, s. 131.

Idem

(3) Where the judge makes no provision as to costs, the costs of the returning officer and election clerk shall be paid by the Province of Ontario at the prescribed rates. *New.*

Deposits, disposal of

121. Where costs are directed to be paid by the applicant, the moneys deposited as security for costs shall be paid out to the party entitled thereto, so far as necessary, and, if the deposit is insufficient, execution may issue out of the county court upon the judge's order for the balance. R.S.O. 1960, c. 118, s. 132.

APPEAL FROM DECISION ON RECOUNT OR FINAL ADDITION

Appeal from decision of judge

122.—(1) Any party may appeal from the decision of the judge who conducted the recount or final addition by giving notice in writing within two days after the completion of the recount or final addition to the opposite party and to the judge of his intention to appeal, and he may by the notice limit the appeal to specified ballots.

Service of notice of appeal

(2) The notice may be served upon the opposite party personally, or upon the solicitor who acted for him upon the recount or final addition by the judge, personally or at his office, or as a judge of the Supreme Court may direct.

Ballots, etc., to be forwarded to Registrar of Supreme Court

(3) Where the appeal is limited, the judge who conducted the recount or final addition shall seal up the ballots that are the subject of appeal in a separate packet and shall forward them, together with the notice and a certificate showing his findings as to the ballots in dispute, by registered mail to the Registrar of the Supreme Court, but, if the appeal is not limited, the judge shall forward all the ballots and other papers to the Registrar, and in either case he shall await the result of the appeal before sending his certificate to the returning officer.

Allowing copy of certificate of judge

(4) The judge who conducted the recount or final addition shall, upon request, allow each party to make a copy of the certificate of his findings before it is forwarded to the Registrar.

Appointment for hearing of appeal

(5) On receipt of the ballots and notice, the Registrar shall forthwith obtain an appointment from a judge of the Supreme Court for hearing the appeal and shall notify the parties or their solicitors of the time so appointed.

Procedure on hearing of appeal; certificate of result

(6) At the time appointed, the judge of the Supreme Court shall recount the ballots or such of them as are the subject of appeal, or review the final addition, as the case may be, and shall forthwith certify his decision to the judge who conducted the recount or final addition, whose duty it is to conform to the decision and to certify the result without delay to the returning officer.

(7) The judge of the Supreme Court may direct by and to whom, including the returning officer and election clerk, the costs of the appeal shall be paid. R.S.O. 1960, c. 118, s. 133, *amended.* Costs of appeal

(8) Where the judge makes no provision as to costs, the costs of the returning officer and election clerk shall be paid by the Province of Ontario at the prescribed rates. *New.* Idem

ELECTION RETURN

123.—(1) Immediately after the sixth day following the final addition by him of the number of votes given for each candidate, unless before that time he receives notice that he is required to attend before a judge for the purpose of a recount or final addition of the votes given at the election, and, where there has been a recount or final addition, immediately after the receipt of the certificate of the result, the returning officer shall send his return to the Chief Election Officer that the candidate having the largest number of votes has been duly elected, and shall forward to each of the candidates a duplicate copy thereof. When return to be made

(2) The returning officer shall include with his return to the Chief Election Officer a report of his proceedings, in which he shall make any observations he thinks proper as to the state of the ballot boxes or ballots as received by him. R.S.O. 1960, c. 118, s. 134, *amended.* Report by R.O.

124.—(1) When the returning officer sends his return he shall send by express or registered mail to the Chief Election Officer, enclosed in a box or other covering, securely locked and sealed with the seal as prescribed by the Chief Election Officer, the writ, the list mentioned in subsection 5 of section 58, all the envelopes containing ballots in his possession, declarations of inability to read or to mark, poll books and all other documents sent to him by the deputy returning officers. R.O. to transmit to C.E.O. the ballots, etc.

(2) The returning officer shall endorse on the package a description of its contents, the date of the election to which they relate and the name of the electoral district for which the election was held and shall affix to the outside of the package a label showing distinctly the electoral district to which the contents relate and the date of the election. R.S.O. 1960, c. 118, s. 135 (1, 2), *amended.* Endorsement thereon

125.—(1) The returning officer shall forthwith take and subscribe the prescribed affidavit after sending his return, and it shall be sent forthwith by him to the Chief Election Officer by registered mail. Oath of R.O. after transmitting return

(2)

Return of election documents and unused material

(2) The returning officer shall at the same time or within ten days thereafter transmit to the Chief Election Officer in a box or other covering, secured and sealed with the seal as prescribed by the Chief Election Officer all documents, papers and supplies in his possession, all receipts for ballots, a record of all ballots supplied to him by the Chief Election Officer and a complete record of their disposal, and shall, in a separate package, return all ballots not distributed by him to the deputy returning officers and all other unused material.

Endorsement thereon

(3) The returning officer shall paste upon the box or other covering mentioned in subsection 2 a label "Election Documents" and on the package mentioned in subsection 2 a label "Unused Election Material", the name of the electoral district and the date of the election written or printed thereon. R.S.O. 1960, c. 118, s. 135 (4-6), *amended*.

Application to compel returning officer to add up votes, make return, etc.

126.—(1) If a returning officer wilfully delays, neglects or refuses,

(*a*) to add up the votes;

(*b*) to declare to be elected the candidate having the largest number of votes;

(*c*) to give his casting vote where he is by law required to do so; or

(*d*) to make the return, as required by this Act, of the candidate having the largest number of votes,

and the person aggrieved or the Chief Election Officer or any voter who voted at the election applies to a judge of the Supreme Court for a mandamus commanding the returning officer to perform the duty that is shown to have been not performed, the notice of motion shall be served upon the returning officer and upon the persons who were candidates at the election.

Application of R.S.O. 1960, c. 197

(2) In other respects, *The Judicature Act* and the rules of court made thereunder apply to such application.

Other rights and remedies

(3) Nothing in this section affects or impairs any other right or remedy of the person aggrieved or of the Chief Election Officer. R.S.O. 1960, c. 118, s. 136, *amended*.

Notice of return in Ontario Gazette

127. The Chief Election Officer, on receiving the return of a member elected to the Assembly, shall give notice of the receipt of the return in the next ordinary issue of *The Ontario Gazette*, the date of such receipt and the name of the candidate elected. R.S.O. 1960, c. 118, s. 137.

CUSTODY OF ELECTION PAPERS

128.—(1) The Chief Election Officer shall retain in his possession the documents transmitted to him by the returning officer under sections 124 and 125 for at least one year, and, if the election is contested, then for one year after the termination of the contestation. How long to be retained and when to be destroyed

(2) The Chief Election Officer shall keep the documents relating to a general election in a room or vault separate from that in which the documents relating to by-elections are kept. How to be kept by C.E.O.

(3) If notice of the presentation of a petition under *The Controverted Elections Act* is received by the Chief Election Officer or if an order is made directing that documents relating to an election are not to be destroyed, he shall affix to the outside of the box or covering containing such documents a label having thereon in large and distinct letters the words "NOT TO BE DESTROYED". R.S.O. 1960, c. 118, s. 138. When documents not to be destroyed R.S.O. 1960, c. 65

INSPECTION OF DOCUMENTS AND BALLOTS

129. All documents forwarded by a returning officer in pursuance of this Act to the Chief Election Officer, other than ballots, shall be open to public inspection at such time and under such conditions and rules as are made by him, and he shall supply copies of or extracts from the documents to any person demanding them on payment of the prescribed fee, and in computing the number of words a figure shall be counted as a word. R.S.O. 1960, c. 118, s. 139, *amended.* Inspection of documents

130.—(1) No person shall be allowed to inspect any ballot in the custody of the Chief Election Officer except under an order of a judge of the Supreme Court. Inspection to be under order of judge

(2) The order may be made on the judge being satisfied by affidavit or other evidence on oath that the inspection or production of the ballot is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballots or for the purpose of a petition questioning an election or return. When order to be granted

(3) The order may be made subject to such conditions as the judge thinks proper. Conditions of order

(4) Subject to the order, the inspection shall take place under the immediate supervision of the Registrar of the Supreme Court, and he shall be present during the inspection, and, so long as the ballots are in the custody of the Registrar Where inspection takes place

and

and not under inspection, they shall be kept in a secure place under lock and key. R.S.O. 1960, c. 118, s. 140.

Evidence as to documents, ballots, etc., in certain cases

131. Where an order is made by a judge of the Supreme Court for the production by the Chief Election Officer of any document in his possession relating to an election, the production of it by him, in such manner as is directed by the order, is evidence that the document relates to the election, and any endorsement appearing on any envelope containing ballots so produced is evidence that the contents are what they are stated to be by the endorsement. R.S.O. 1960, c. 118, s. 141.

Inspection of documents under order of Privileges and Elections Committee

132. Notwithstanding the provisions of this or any other Act, all documents, including used and unused ballots, relating to an election in the custody of the Chief Election Officer or of any other person may be opened, inspected and examined under such conditions and rules as are made by the Committee on Privileges and Elections of the Assembly for the purpose of inquiring into any matter referred to the Committee by order of the Assembly, and, upon any such proceeding before the Committee, any such document may be filed as an exhibit, and any person summoned to attend and give evidence before the Committee upon such inquiry may be examined or cross-examined in relation thereto. R.S.O. 1960, c. 118, s. 142 (1).

PART VII

OFFENCES, PENALTIES AND ENFORCEMENT

Voting when not qualified or more than once

133. Every person who,

(*a*) not being qualified to vote, votes; or

(*b*) being qualified to vote, votes more than once at an election,

is guilty of an offence and of a corrupt practice, and on summary conviction is liable to a fine of not more than $1,000. R.S.O. 1960, c. 118, s. 163, *amended*.

Offences for improper voting by proxy

134. Every person,

(*a*) who, having appointed a voting proxy to vote at an election, attempts to vote at the election otherwise than by means of such voting proxy while the voting proxy is in force; or

(*b*) who, having been appointed a voting proxy at an election, votes or attempts to vote at the election

under

under the authority of the proxy when he knows or has reasonable grounds for supposing that his appointment has been cancelled or that the voter who made the appointment is dead or is no longer entitled to vote,

is guilty of an offence and of a corrupt practice and on summary conviction is liable to a fine of not more than $1,000. R.S.O. 1960, c. 118, s. 78 (10), *amended.*

Wilful miscount of ballots

135.—(1) Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise makes up a false statement of the poll is guilty of an offence and of a corrupt practice and on summary conviction is liable to a fine of not more than $1,000. R.S.O. 1960, c. 118, s. 181, *amended.*

Neglect of duties

(2) Every returning officer, deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by this Act, is guilty of an offence and, on summary conviction is liable to a fine of not more than $1,000. R.S.O. 1960, c. 118, s. 180 (2), *amended.*

Wilful alteration of lists or poll book

136. Every returning officer, deputy returning officer or other person whose duty it is to deliver poll books or who has the custody of a certified list of voters or of a polling list or poll book, who wilfully makes any alteration or insertion in or omission from or in any way wilfully falsifies such list of voters, polling list or poll book is guilty of an offence and of a corrupt practice and on summary conviction is liable to a fine of not more than $1,000. R.S.O. 1960, c. 118, s. 177, *amended.*

Offences relating to ballot papers

137. Every person who,

(*a*) alters, defaces or destroys a ballot or the initials of the deputy returning officer thereon;

(*b*) without authority, supplies a ballot to any person;

(*c*) places in a ballot box a paper other than the ballot that he is authorized by law to place therein;

(*d*) delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot given to him by the deputy returning officer;

(*e*) takes a ballot out of the polling place;

(*f*) without authority, destroys, takes, opens or otherwise interferes with a ballot box or books or packet of ballots or a ballot in use or used for the purpose of an election;

(*g*) being a deputy returning officer, knowingly puts his initials on the back of any paper purporting to be or capable of being used as a ballot at an election;

(*h*) not being a person authorized by the Chief Election Officer, prints any ballot or what purports to be or is capable of being used as a ballot at an election;

(*i*) being authorized by the Chief Election Officer to print the ballots for an election, prints more ballots than he is authorized to print; or

(*j*) attempts to commit any offence mentioned in this section,

is guilty of an offence and of a corrupt practice and on summary conviction is liable to a fine of not more than $1,000. R.S.O. 1960, c. 118, s. 178, *amended*.

Wilful destruction of documents relating to elections

138.—(1) Every person who wilfully destroys, injures or obliterates, or causes to be destroyed, injured or obliterated, a writ of election, return to a writ of election, poll book, list of voters, polling list, certificate or affidavit, or other document or paper made, prepared or drawn according to or for the purpose of meeting the requirements of this Act, or any of them, is guilty of an offence and of a corrupt practice and on summary conviction is liable to a fine of not more than $1,000.

Counselling destruction of documents

(2) Every person who aids, abets, counsels or procures the commission of a contravention of subsection 1 is guilty of an offence and of a corrupt practice and on summary conviction is liable to a fine of not more than $1,000. R.S.O. 1960, c. 118, s. 179, *amended*.

False information to authorized persons

139. Any person who, knowingly furnishes false or misleading information to any person who by this Act is authorized to obtain information is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000. *New*.

Penalty for default in delivering statement

140.—(1) Every official agent or candidate who makes default in delivering the statements required by Part VIII to the returning officer is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000.

(2) Every official agent or candidate who wilfully furnishes an untrue statement to the returning officer is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000. R.S.O. 1960, c. 118, s. 191 (3, 4), *amended*. Penalty for false statement

141. Every person who contravenes any of the provisions of this Act is guilty of an offence and on summary conviction, where a fine is not otherwise provided for such contravention by this Act, is liable to a fine of not more than $1,000. *New*. General offence

PART VIII

ELECTION EXPENSES AND FEES

142.—(1) No contribution, payment, loan, gift, advance or deposit of money or its equivalent in excess of $50 shall be received by or on behalf of a candidate and no payment, except with respect to the personal expenses of a candidate, and no advance, loan or deposit shall be made by or on behalf of a candidate before, during or after the election, on account of the election, otherwise than through his official agent. Payments not to be made except through official agent

(2) In this section "personal expenses", which may be lawfully paid by a candidate personally, includes the following expenses: Interpretation

1. Reasonable and ordinary rent for hire of halls or other places used by the candidate personally in which to address public meetings of voters, and the expenses incurred in heating, lighting and cleaning such halls or other places.
2. Reasonable and ordinary travelling and living expenses of the candidate.
3. Reasonable and ordinary travelling and living expenses of one speaker for each meeting who accompanies the candidate and travels with him for the purpose of speaking at a public meeting to be addressed by the candidate.
4. Reasonable and ordinary charges for the hire of conveyances for the use of the candidate.
5. Reasonable and ordinary charges for use by the candidate personally of not more than one conveyance on the polling day.

(3) The onus of showing that the personal expenses paid by the candidate were fair, reasonable and proper and not in excess of what is ordinarily paid for similar services and accommodation is upon the candidate. Burden of proof

Receipt of ordinary and reasonable charges when not to disqualify voter

(4) The contracting for or the receipt of the ordinary and reasonable charges,

(*a*) by the owner or possessor of a hall or room in which to hold public meetings for the purposes of the election;

(*b*) by a printer for printing lists of voters, election addresses or advertisements or notices of election meetings; or

(*c*) by a regularly established livery-keeper for the hire of vehicles used in connection with and for the proper purposes of the election and not for carrying voters otherwise than by the candidate as provided by paragraph 5 of subsection 2,

is lawful and does not disqualify him from voting. R.S.O. 1960, c. 118, s. 188, *amended*.

Claims on candidates

143.—(1) Every person who has any claim against a candidate for or in respect of an election shall send it, within sixty days from the day of the declaration of the result of the election, to the official agent of the candidate, otherwise he is barred of his right to recover it.

Case of death of person making claim

(2) In case of the death within such period of the person having the claim, his legal representative shall send it, within one month after probate or administration has been obtained, to the official agent of the candidate, otherwise the right to recover it is barred.

Case of death of agent

(3) In the case of the death of the official agent or of his incapacity to act and no other agent having been appointed, the claim may be sent to the candidate.

Candidate must authorize payment

(4) No such claim shall be paid without the authority of the candidate. R.S.O. 1960, c. 118, s. 189.

Payment of accounts

144.—(1) Notwithstanding section 143, any claim that would have been payable if sent within sixty days of the day of the declaration of the result of the election may be paid by the candidate through his official agent after that time if the claim is approved by a judge of the Supreme Court.

Advertising claims

(2) All claims allowed by a judge shall within one week thereafter be advertised by the returning officer at the expense of the candidate in the same newspapers in which the statement of the other election expenses was published. R.S.O. 1960, c. 118, s. 190, *amended*.

Statement of election expenses, etc., to be sent by agent to R.O.

145.—(1) A detailed statement of all money exceeding $50 or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and a detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall, within three months after the election or, where, by reason of the death of a creditor, no claim has been sent in within such period of three months, then within one month after the claim has been sent in, be made out and signed by the official agent who has paid them or by the candidate in case of payments made by him, and delivered, with the bills and vouchers relating thereto, to the returning officer.

Abstract thereof to be published

(2) The returning officer, within fourteen days after receiving the statements, shall publish at the expense of the candidate an abstract thereof in a newspaper published or circulated in the electoral district. R.S.O. 1960, c. 118, s. 191 (1, 2).

R.O. to preserve bills, etc., and allow inspection

(3) The returning officer shall preserve all such statements and vouchers, and shall, during the six months next after they have been delivered to him, permit any voter to inspect them on payment of a fee of 25 cents. R.S.O. 1960, c. 118, s. 192.

Payment of expenses of Act

146.—(1) The fees and expenses to be allowed to the returning officers and other officers and persons for services performed under this Act, so far as they are payable by the Province of Ontario, are payable out of the Consolidated Revenue Fund.

Accountable warrants

(2) For the purpose of providing funds for the payment of such fees and expenses, the Lieutenant Governor in Council may direct that accountable warrants payable out of the Consolidated Revenue Fund be issued from time to time in favour of any officer or other person.

Accounts and audit

(3) The sums paid out under subsection 1 shall be duly accounted for by the production of accounts and vouchers but it is not necessary that such accounts or vouchers be furnished by any person in whose favour an accountable warrant was issued before the issue of a further accountable warrant to the same person, unless the Lieutenant Governor in Council otherwise directs.

Audit by Provincial Auditor

(4) All accounts respecting such fees and expenses shall be audited by the Provincial Auditor. R.S.O. 1960, c. 118, s. 193, *amended.*

Regulations

147. The Lieutenant Governor in Council may make regulations,

(*a*)

(*a*) prescribing the fees and expenses to be allowed to the officers and other persons, except those in the office of the Chief Election Officer, for their services and disbursements under this Act; and

(*b*) prescribing the costs that shall be paid by the Province of Ontario under sections 120 and 122. R.S.O. 1960, c. 118, s. 193 (1), *amended*.

R.S.O. 1960, c. 118, repealed

148. *The Election Act* is repealed.

Commencement

149. This Act comes into force on the day it receives Royal Assent.

Short title

150. This Act may be cited as *The Election Act, 1968-69*.

CHAPTER 34

An Act to amend The Evidence Act

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 36 of *The Evidence Act* is amended by striking out "Board of Transport Commissioners of Canada" in the first and second lines and inserting in lieu thereof "Canadian Transport Commission". R.S.O. 1960, c. 125, s. 36, subs. 2, amended

2. This Act may be cited as *The Evidence Amendment Act, 1968-69*. Short title

CHAPTER 35

An Act to amend The Executive Council Act

Assented to December 17th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Executive Council Act* is amended by striking out "$12,000" in the second line and inserting in lieu thereof "$15,000", so that the subsection shall read as follows: R.S.O. 1960, c. 127, s. 3, subs. 1, amended

(1) The annual salary of every minister having charge of a department is $15,000. Salaries

(2) Subsection 2 of the said section 3 is amended by striking out "$4,000" in the third line and inserting in lieu thereof "$5,000", so that the subsection shall read as follows: R.S.O. 1960, c. 127, s. 3, subs. 2, amended

(2) The member of the Executive Council holding the recognized position of First Minister shall receive, in addition, $5,000 per annum. Additional salary for First Minister

(3) Subsection 3 of the said section 3 is repealed and the following substituted therefor: R.S.O. 1960, c. 127, s. 3, subs. 3, re-enacted

(3) The annual salary of every minister without portfolio is $5,000. Salary of minister without portfolio

2. This Act shall be deemed to have come into force on the 1st day of April, 1969. Commencement

3. This Act may be cited as *The Executive Council Amendment Act, 1968-69*. Short title

CHAPTER 36

The Expropriations Act, 1968-69

Assented to December 20th, 1968
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, Interpretation

(*a*) "approving authority" means the approving authority as determined under section 5;

(*b*) "Board" means the Land Compensation Board established under section 28;

(*c*) "expropriate" means the taking of land without the consent of the owner by an expropriating authority in the exercise of its statutory powers, but does not include the taking of land for the widening of a highway where entry is deferred under section 338 of *The Municipal Act;* R.S.O. 1960, c. 249

(*d*) "expropriating authority" means the Crown or any person empowered by statute to expropriate land;

(*e*) "injurious affection" means,

(i) where a statutory authority acquires part of the land of an owner,

a. the reduction in market value thereby caused to the remaining land of the owner by the acquisition or by the construction of the works thereon or by the use of the works thereon or any combination of them, and

b. such personal and business damages, resulting from the construction or use, or both, of the works as the statutory authority would be liable for if the construction or use were not under the authority of a statute,

(ii) where the statutory authority does not acquire part of the land of an owner,

a. such reduction in the market value of the land of the owner, and

b. such personal and business damages,

resulting from the construction and not the use of the works by the statutory authority, as the statutory authority would be liable for if the construction were not under the authority of a statute,

and for the purposes of this clause, part of the lands of an owner shall be deemed to have been acquired where the owner from whom lands are acquired retains lands contiguous to those acquired or retains lands of which the use is enhanced by unified ownership with those acquired;

(*f*) "judge", except where otherwise described, means a judge of the county or district court of the county or district in which the land or the greater part of it is situate;

(*g*) "land" includes any estate, term, easement, right or interest in, to, over or affecting land;

(*h*) "owner" includes a mortgagee, tenant, execution creditor, a person entitled to a limited estate or interest in land, a committee of the estate of a mentally incompetent person or of a person incapable of managing his affairs, and a guardian, executor, administrator or trustee in whom land is vested;

(*i*) "prescribed" means prescribed by the regulations made under this Act;

(*j*) "purchase-money mortgage" means a mortgage given by a purchaser of land to the vendor of the land or his nominee as security for the payment of all or part of the consideration for the sale;

(*k*) "registered owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the proper registry, land titles or sheriff's office, and includes a person shown as a tenant of land on the last revised assessment roll;

(*l*) "security holder" means a person who has an interest in land as security for the payment of money;

(*m*) "statutory authority" means the Crown or any person empowered by statute to expropriate land or cause injurious affection;

(*n*) "tenant" includes a lessee or occupant occupying premises under any tenancy whether written, oral or implied. 1962-63, c. 43, s. 1, *amended*.

Service

(2) Any document required by this Act to be served may be served personally or by registered mail addressed to the person to be served at his last-known address, or if that person or his address is unknown, by publication once a week for three weeks in a newspaper having general circulation in the locality in which the land concerned is situate and service shall be deemed to be made,

(*a*) in the case of service by registered mail, on the second day after the day of mailing; and

(*b*) in the case of service by publication, on the date of the third publication. *New*.

Application of Act

2—(1) Notwithstanding any general or special Act, where land is expropriated or injurious affection is caused by a statutory authority, this Act applies. 1962-63, c. 43, s. 2 (1), *amended*.

References in other Acts to R.S.O. 1960, cc. 249, 338, deemed references to this Act

(2) The provisions of any general or special Act providing procedures with respect to the expropriation of land or the compensation payable for land expropriated or for injurious affection that refer to *The Municipal Act*, *The Public Works Act* or any other Act shall be deemed to refer to this Act and not to *The Municipal Act*, *The Public Works Act* or other Act, as the case may be. 1962-63, c. 43, s. 2 (5).

Application to 1962-63, c. 39

(3) This Act does not apply to the use of or injury to land authorized under *The Drainage Act*, *1962-63* for the purposes of a drainage works constructed under that Act or to any proceedings in connection therewith. 1965, c. 38, s. 1.

Conflict

(4) Where there is conflict between a provision of this Act and a provision of any other general or special Act, the provision of this Act prevails. 1962-63, c. 43, s. 2 (4).

Crown bound by Act

3. This Act binds the Crown. 1962-63, c. 43, s. 3.

Approval of intention to expropriate

4.—(1) An expropriating authority shall not expropriate land without the approval of the approving authority as determined under section 5.

Gas storage areas excepted 1964, c. 74

(2) Subsection 1 does not apply to an authorization of the Ontario Energy Board under *The Ontario Energy Board Act, 1964* in respect of storage of gas in a gas storage area or to an expropriation authorized under section 40 of that Act. *New.*

Approving authority

5.—(1) Subject to subsections 3, 4 and 5, the approving authority in respect of an expropriation shall be the Minister responsible for the administration of the Act in which the power to expropriate is granted, except that,

(*a*) where a municipality or a local board thereof, other than an elected school board, expropriates lands for municipal purposes, the approving authority shall be the council of the municipality; and

(*b*) where an elected school board expropriates lands, the approving authority shall be the school board.

Idem, private Acts

(2) Where the power to expropriate is granted in a private Act, the approving authority shall be,

(*a*) in the case of universities or other educational institutions, the Minister of University Affairs;

(*b*) in the case of hospitals or other medical or health institutions, the Minister of Health; and

(*c*) in the case of all other corporations, the Provincial Secretary and Minister of Citizenship.

Idem, public works R.S.O. 1960, c. 338

(3) Where an expropriation is made under *The Public Works Act* for the benefit of a department or agency of the Ontario Government, the approving authority shall be the Minister for the department or responsible for the agency for the benefit of which the land is expropriated.

Idem, Power Commission R.S.O. 1960, c. 300

(4) Where an expropriation is made under *The Power Commission Act*, the approving authority shall be the Minister of Energy and Resources Management.

Idem, other cases

(5) The approving authority in any case not provided for in this section shall be the Minister of Justice and Attorney General. *New.*

Notice of intention to expropriate

6.—(1) Upon applying for an approval under section 4, an expropriating authority shall serve a notice of its application for approval to expropriate upon each registered owner of the lands to be expropriated and shall publish the notice once a week for three consecutive weeks in a newspaper having general circulation in the locality in which the lands are situate.

Notification for hearing

(2) Any owner of lands in respect of which notice is given under subsection 1 who desires a hearing shall so notify the approving authority in writing,

(*a*) in the case of a registered owner, served personally or by registered mail within thirty days after he is served with the notice, or, when he is served by publication, within thirty days after the first publication of the notice;

(*b*) in the case of an owner who is not a registered owner, within thirty days after the first publication of the notice.

Order dispensing with inquiry

(3) The Lieutenant Governor in Council may, in special circumstances where he deems it necessary or expedient in the public interest to do so, direct that an intended expropriation shall proceed without the inquiry procedure and thereupon subsections 1 and 2 of this section, section 7 and subsections 1 and 2 of section 8 do not apply thereto.

Service of order

(4) Where an order is made under subsection 3, the expropriating authority shall forthwith serve a copy of the order on each registered owner affected by the intended expropriation.

Report to Assembly

(5) The Minister of Justice and Attorney General shall, within thirty days after the commencement of each session of the Legislative Assembly, lay before the Assembly a copy of each order made theretofore under subsection 3 and not previously laid before the Assembly. *New.*

Appointment of inquiry officers

7.—(1) The Minister of Justice and Attorney General shall appoint a chief inquiry officer and such inquiry officers as he considers necessary.

Duties of chief inquiry officer

(2) The chief inquiry officer shall have general supervision and direction over inquiry officers and the assignment of their duties.

Hearing

(3) Where a notification is made under subsection 2 of section 6, the approving authority shall refer the matter to the chief inquiry officer who shall forthwith assign an inquiry officer who shall fix a time and place for a hearing and who shall cause notice of the hearing to be served on each party to the inquiry.

Notice of grounds

(4) At least five days before the date fixed for the hearing, the expropriating authority shall serve upon each party to the inquiry a notice indicating the grounds upon which it intends to rely at the hearing and shall make available for inspection by the parties any documents, including maps and plans, that the expropriating authority intends to use at the hearing.

(5)

Inquiry

(5) The hearing shall be by means of an inquiry conducted by the inquiry officer who shall inquire into whether the taking of the lands or any part of the lands of an owner or of more than one owner of the same lands is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority.

Report

(6) The inquiry officer shall report to the approving authority a summary of the evidence and arguments advanced by the parties, the inquiry officer's findings of fact, and his opinion on the merits of the application for approval with his reasons therefor.

Combined inquiries

(7) The inquiry officer may combine two or more related inquiries and conduct them in all respects and for all purposes as one inquiry.

Parties

(8) The expropriating authority, each owner who notifies the approving authority that he desires a hearing in respect of the lands intended to be expropriated and any owner added as a party by the inquiry officer are parties to the inquiry.

Powers and duties of inquiry officer

(9) The inquiry officer,

(*a*) may add any owner whose land would be affected by the expropriation of the lands concerned in the inquiry or any modification thereof as a party to the inquiry;

(*b*) shall give every party to the inquiry an opportunity to present evidence and argument and to examine and cross-examine witnesses, either personally or by his counsel or agent;

(*c*) is not bound by the technical or legal rules of evidence; and

(*d*) may inspect the lands concerned either alone or in the presence of the parties.

Costs

(10) The inquiry officer may recommend to the approving authority that a party to the inquiry be paid a fixed amount for his costs of the inquiry not to exceed $200 and the approving authority may in its discretion order the expropriating authority to pay such costs forthwith. *New.*

Powers and duties of approving authority

8.—(1) The approving authority shall consider the report of the inquiry officer and shall approve or not approve the proposed expropriation or approve the proposed expropri-

ation with such modifications as the approving authority considers proper, but an approval with modifications shall not affect the lands of a registered owner who is not or has not been made a party to the hearing.

Reasons

(2) The approving authority shall give written reasons for its decision and shall cause its decision and the reasons therefor to be served upon all the parties within ninety days after the date upon which the report of the inquiry officer is received by the approving authority.

Certificate

(3) The approving authority shall certify its approval in the prescribed form. *New.*

Registration of plan

9.—(1) Where a proposed expropriation has been approved under this Act or under *The Ontario Energy Board Act, 1964*, 1964, c. 74 the expropriating authority shall register, within three months after the granting of the approval, in the proper registry or land titles office a plan of the land signed by the expropriating authority and by an Ontario land surveyor, and thereupon, but not otherwise, the land vests in the expropriating authority.

Where land required temporarily, etc.

(2) Where the land is required for a limited time only or only a limited estate, right or interest therein is required, the plan registered under this section shall indicate by appropriate words thereon that the land is taken for such limited time only or that only such limited estate, right or interest therein is taken, and, by the registration in such case, the land for such limited time or such limited estate, right or interest therein vests in the expropriating authority.

Correction of errors

(3) In the case of an omission, misstatement or erroneous description in a plan registered under this section, the expropriating authority may register in the proper registry or land titles office a plan replacing or amending the original plan and signed by the expropriating authority and by an Ontario land surveyor, and a plan registered under this subsection shall be marked to show the nature of the replacement or amendment and is of the same force and effect as, and is in substitution for, the original plan to the extent that such plan is replaced or amended thereby.

Presumption as to signing

(4) Where a plan purports to have been signed by an expropriating authority under this section, it shall be presumed to have been signed by the expropriating authority without proof of the signature or official character of the person appearing to have signed it, unless otherwise directed by a court or the Board.

Ontario Hydro R.S.O. 1960, c. 300

(5) Where a limited estate, right or interest in land is being taken under *The Power Commission Act* for an electrical transmission or distribution line carried on single poles, The Hydro-Electric Power Commission of Ontario may, before registering a plan under subsection 1, register in the proper registry or land titles office a preliminary plan, to be known as and marked "Preliminary Plan" and being a plan with or without local description, signed by the secretary of the Commission and illustrating the location of the proposed line and indicating by appropriate words thereon the nature of the estate, right or interest being taken, and such preliminary plan when registered has the same force and effect as a plan registered under subsection 1, but a plan in accordance with subsection 1 shall be registered within two years after the registration of the preliminary plan in substitution for the preliminary plan. 1962-63, c. 43, s. 4, *amended*.

Notice of expropriation

10.—(1) Where a plan has been registered under section 9 and no agreement as to compensation has been made with the owner, the expropriating authority may serve the owner, and shall serve the registered owner, within thirty days after the date of registration of the plan, with a notice of expropriation of his land, in the prescribed form, but failure to serve the notice does not invalidate the expropriation.

Election of date for compensation

(2) Where a plan has been registered under section 9, the registered owner may elect, by notice in writing served upon the expropriating authority, within thirty days after the owner was served with the notice under subsection 1, to have the compensation to which he is entitled assessed,

(*a*) where there has been an inquiry, as of the date the notice of hearing before the inquiry officer was served;

(*b*) as of the date of the registration of the plan; or

(*c*) as of the date on which he was served with the notice of expropriation,

and, where the election is not made within the prescribed time, the owner shall be deemed to have elected to have the compensation assessed as of the date of the registration of the plan. 1962-63, c. 43, s. 5, *amended*.

Entry on land for appraisal

(3) An expropriating authority may, after it has served notice of expropriation on the owner in possession of the lands expropriated, and with the consent of the said owner, enter on the expropriated lands for the purposes of viewing for appraisal, but, where the consent of the owner is not given,

the

the expropriating authority may apply to the Board which may, by order, authorize the entry upon such terms and conditions as are specified in the order. *New.*

Reparation

11. Where land is expropriated or is injuriously affected by a statutory authority, the statutory authority may, before the compensation is agreed upon or determined, undertake to make alterations or additions or to construct additional work or to grant other lands, in which case the compensation shall be determined having regard to such undertaking, and, if the undertaking has not already been carried out, the Board may declare that, in addition to the compensation determined, if any, the owner is entitled to have such alteration or addition made or such additional work constructed or such grant made to him. 1962-63, c. 43, s. 6 (2), *amended.*

Gas storage areas

12. Section 21 of *The Ontario Energy Board Act, 1964* applies in respect of the use of designated gas storage areas. 1964, c. 74 1965, c. 38, s. 2, *part*, *amended.*

Compensation

13.—(1) Where land is expropriated, the expropriating authority shall pay the owner such compensation as is determined in accordance with this Act. 1962-63, c. 43, s. 6 (1), *amended.*

Idem

(2) Where the land of an owner is expropriated, the compensation payable to the owner shall be based upon,

(*a*) the market value of the land;

(*b*) the damages attributable to disturbance;

(*c*) damages for injurious affection; and

(*d*) any special difficulties in relocation,

but, where the market value is based upon a use of the land other than the existing use, no compensation shall be paid under clause *b* for damages attributable to disturbance that would have been incurred by the owner in using the land for such other use. *New.*

Market value

14.—(1) The market value of land expropriated is the amount that the land might be expected to realize if sold in the open market by a willing seller to a willing buyer.

Idem

(2) Where the land expropriated is devoted to a purpose of such a nature that there is no general demand or market for land for that purpose, and the owner intends in good faith to relocate in similar premises, the market value shall be deemed to be the reasonable cost of equivalent reinstatement.

Idem

(3) Where only part of the land of an owner is taken and such part is of a size, shape or nature for which there is no general demand or market, the market value and the injurious affection caused by the taking may be determined by determining the market value of the whole of the owner's land and deducting therefrom the market value of the owner's land after the taking.

Idem

(4) In determining the market value of land, no account shall be taken of,

(*a*) the special use to which the expropriating authority will put the land;

(*b*) any increase or decrease in the value of the land resulting from the imminence of the development in respect of which the expropriation is made or from any imminent prospect of expropriation;

(*c*) any increase in the value of the land resulting from the land being put to a use that could be restrained by any court or is contrary to law or is detrimental to the health of the occupants of the land or to the public health. *New.*

Increase by Board

15. Upon application therefor, the Board shall, by order, after fixing the market value of lands used for residential purposes of the owner under subsection 1 of section 14, award such additional amount of compensation as, in the opinion of the Board, is necessary to enable the owner to relocate his residence in accommodation that is at least equivalent to the accommodation expropriated. *New.*

Separate interests

16. Where there are more separate interests than one in land, other than the interest of a security holder or a vendor under an agreement for sale, the market value of each such separate interest shall be valued separately. *New.*

Interpretation

17.—(1) In this section, "bonus" means the amount by which the amount secured under a mortgage exceeds the amount actually advanced.

Security holders

(2) Where land is subject to a security interest,

(*a*) the value of the interest of the security holder shall be determined in accordance with this section and section 20 and not otherwise; and

(*b*) the market value of the land shall be determined without regard to the interest of the security holder and the amount of such market value plus any damages for injurious affection shall stand in place of the land for the purposes of the security.

(3)

(3) Security holders shall be paid the amount of principal and interest outstanding against the security out of the market value of the land and any damages for injurious affection payable in respect of the land subject to the security, in accordance with their priorities, whether or not such principal and interest is due and subject to subsections 4 and 5. Payment out of market value

(4) Where the land is subject to a mortgage and the amount payable to the mortgagee under subsection 3 is insufficient to satisfy the mortgage in full, Bonus

(*a*) where the mortgage is a purchase-money mortgage, the mortgage shall be deemed to be fully paid, satisfied and discharged for all purposes; and

(*b*) where the mortgage is not a purchase-money mortgage and includes a bonus,

(i) the amount by which the amount payable to the mortgagee under subsection 3 is insufficient to pay the amount remaining unpaid under the mortgage; or

(ii) the amount of the bonus,

whichever is the lesser, shall be deemed to be fully paid and satisfied for all purposes.

(5) No amount shall be paid in respect of a bonus until all security holders have been paid all amounts payable other than any bonus. Idem

(6) Where land held as security is expropriated in part or is injuriously affected, a security holder is entitled to be paid to the extent possible in accordance with his priority, out of the market value portion of the compensation and any damages for injurious affection therefor, as the case may be, a sum that is in the same ratio to such portion of the compensation and damages as the balance outstanding on the security at the date of the expropriation or injurious affection is to the market value of the entire land, provided however that the sum so determined shall be reduced by the amount of any payments made to the security holder by the owner after the date of expropriation or injurious affection. *New.* Idem

18.—(1) The expropriating authority shall pay to an owner other than a tenant, in respect of disturbance, such reasonable costs as are the natural and reasonable consequences of the expropriation, including, Allowance for disturbance, owner other than tenant

(*a*) where the premises taken include the owner's residence,

(i) an allowance to compensate for inconvenience and the cost of finding another residence of 5 per cent of the compensation payable in respect of the market value of that part of the land expropriated that is used by the owner for residential purposes, provided that such part was not being offered for sale on the date of the expropriation, and

(ii) an allowance for improvements the value of which is not reflected in the market value of the land;

(*b*) where the premises taken do not include the owner's residence, the owner's costs of finding premises to replace those expropriated, provided that the lands were not being offered for sale on the date of expropriation; and

(*c*) relocation costs, including,

(i) the moving costs, and

(ii) the legal and survey costs and other non-recoverable expenditures incurred in acquiring other premises.

Tenant

(2) The expropriating authority shall pay to a tenant occupying expropriated land in respect of disturbance so much of the cost referred to in subsection 1 as is appropriate having regard to,

(*a*) the length of the term;

(*b*) the portion of the term remaining;

(*c*) any rights to renew the tenancy or the reasonable prospects of renewal;

(*d*) in the case of a business, the nature of the business; and

(*e*) the extent of the tenant's investment in the land. *New.*

Business loss

19.—(1) Where a business is located on the land expropriated, the expropriating authority shall pay compensation for business loss resulting from the relocation of the business made necessary by the expropriation and, unless the owner and the expropriating authority otherwise agree, the business

losses

losses shall not be determined until the business has moved and been in operation for six months or until a three-year period has elapsed, whichever occurs first.

Good will

(2) The Board may, in determining compensation on the application of the expropriating authority, or an owner, include an amount not exceeding the value of the good will of a business where the land is valued on the basis of its existing use and, in the opinion of the Board, it is not feasible for the owner to relocate. *New.*

Prepayment of mortgage

20. Where a statutory authority prepays a mortgage in whole or in part, the statutory authority,

(*a*) shall pay to the mortgagee a bonus in respect of the prepayment amounting to,

(i) three months interest on the amount of principal prepaid at the rate of 6 per cent a year or at such other rate as is prescribed by the Lieutenant Governor in Council by regulation, or

(ii) the value of any notice or bonus for prepayment provided for in the mortgage,

whichever is the lesser;

(*b*) shall pay to the mortgagee where,

(i) the prevailing interest rate for an equivalent investment is lower than the rate under the mortgage, and

(ii) there is no provision in the mortgage permitting prepayment at the date of the expropriation,

an amount to compensate for the difference in the interest rates for the period for which the amount of principal prepaid has been advanced, not to exceed five years; and

(*c*) shall pay to the mortgagor whose interest is expropriated an amount to compensate for any loss incurred by reason of a difference in the interest rates during the period for which the payment of principal provided for in the mortgage has been advanced, but such difference shall not be calculated on a new interest rate any greater than the prevailing interest rate for an equivalent mortgage. *New.*

Compensation for injurious affection

21. A statutory authority shall compensate the owner of land for loss or damage caused by injurious affection. 1962-63, c. 43, s. 6 (1), *amended*.

Claim for compensation for injurious affection

22.—(1) Subject to subsection 2, a claim for compensation for injurious affection shall be made by the person suffering the damage or loss in writing with particulars of the claim within one year after the damage was sustained or after it became known to him, and, if not so made, the right to compensation is forever barred.

Idem, where owner under disability

(2) Where the person who is injuriously affected is an infant, a mental incompetent or a person incapable of managing his affairs, his claim for compensation shall be made within one year after he ceased to be under the disability or, in the case of his death while under the disability, within one year after his death, and, if not so made, the right to compensation is forever barred. 1962-63, c. 43, s. 7, *amended*.

Set-off against damages

23. The value of any advantage to the land or remaining land of an owner derived from any work for which land was expropriated or by which land was injuriously affected shall be set-off only against the amount of the damages for injurious affection to the owner's land or remaining lands. *New*.

Agreements

24. A statutory authority has the authority to make and perform an agreement with an owner in respect of any claim of the owner under this Act, including any costs of the owner and notwithstanding that this Act requires the claim to be determined by the Board. *New*.

Offer

25.—(1) Where no agreement as to compensation has been made with the owner, the expropriating authority shall, within three months after the registration of a plan under section 9 and before taking possession of the land,

(*a*) serve upon the registered owner,

(i) an offer of an amount in full compensation for his interest, and

(ii) where the registered owner is not a tenant, a statement of the total compensation being offered for all interests in the land,

excepting compensation for business loss for which the determination is postponed under subsection 1 of section 19; and

(*b*) offer the registered owner immediate payment of 100 per cent of the amount of the market value of

the

the owner's land as estimated by the expropriating authority, and the payment and receipt of that sum is without prejudice to the rights conferred by this Act in respect of the determination of compensation and is subject to adjustment in accordance with any compensation that may subsequently be determined in accordance with this Act or agreed upon. 1962-63, c. 43, ss. 8 (1), 18, *amended*.

Furnishing appraisal report

(2) The expropriating authority shall base its offer of compensation made under subsection 1 upon a report appraising the market value of the lands being taken and damages for injurious affection, and shall serve a copy of the appraisal report upon the owner at the time the offer is made.

Extension of time

(3) The expropriating authority may, within the period mentioned in subsection 1 and before taking possession of the land, upon giving at least two days notice to the registered owner, apply to the judge for an order extending any time referred to in subsection 1, and the judge may in his order authorize the statutory authority to take possession of the land before the expiration of the extended time for serving the offer or statement under clause *a* of subsection 1 upon such conditions as are specified in the order. *New*.

Failure to serve

(4) If any registered owner is not served with the offer required to be served on him under subsection 1 within the time limited by subsection 1 or by an order of a judge under subsection 3 or by agreement, the failure does not invalidate the expropriation but interest upon the unpaid portion of any compensation payable to such registered owner shall be calculated from the date of registration of the plan. 1962-63, c. 43, s. 8 (1-3), *amended*.

Choice of proceedings, negotiation or arbitration

26. Where the statutory authority and the owner have not agreed upon the compensation payable under this Act and in the case of injurious affection, section 22 has been complied with, or, in the case of expropriation, section 25 has been complied with or the time for complying therewith has expired,

(*a*) the statutory authority or the owner may serve notice of negotiation upon the other of them and upon the board of negotiation stating that it or he, as the case may be, requires the compensation to be negotiated under section 27; or

(*b*) where the statutory authority and the owner have agreed to dispense with negotiation proceedings, the statutory authority or the owner may serve notice of arbitration upon the other of them and upon the

Board

Board to have the compensation determined by arbitration. 1965, c. 38, s. 2, *part*, *amended*.

Board of negotiation

27.—(1) A board of negotiation shall be established consisting of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chairman.

Quorum

(2) Any two of the members of the board of negotiation constitute a quorum and are sufficient to perform all the functions of the board on behalf of the board.

Place of sitting

(3) The board of negotiation may sit at any place in Ontario.

Negotiation of amount of compensation

(4) In any case in which a notice of negotiation is served, the board of negotiation shall, upon reasonable notice to the statutory authority and the owner, meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the compensation.

Inspection of land

(5) Before or during the negotiation proceedings, the board of negotiation shall inspect the land that has been expropriated or injuriously affected.

Where no settlement reached

(6) If the negotiation proceedings do not result in a settlement of the compensation, the statutory authority or the owner may serve notice of arbitration upon the other of them, and upon the Board, stating that it or he, as the case may be, requires the compensation to be determined by arbitration as though the negotiation proceedings had not taken place. 1965, c. 38, s. 2, *part*, *amended*.

Land Compensation Board

28.—(1) The Land Compensation Board is established and shall be composed of a chairman and such number of vice-chairmen and other members as the Lieutenant Governor in Council considers advisable, all of whom shall be appointed by the Lieutenant Governor in Council.

Qualifications of chairman and vice-chairmen

(2) The chairman and vice-chairmen shall be members of the bar of one of the provinces of Canada.

Quorum

(3) The chairman or a vice-chairman and two other members of the Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board, except that in matters respecting a claim for compensation not exceeding $1,000, one member of the Board constitutes a quorum and is sufficient for the exercise of all the jurisdiction of the Board.

Powers of Board

(4) The Board may,

(*a*) administer oaths to witnesses and require them to give evidence under oath;

(*b*) issue summonses requiring the attendance of witnesses and the production of documents and things;

(*c*) hold sittings at any place in Ontario and in more than one place at the same time.

Enforcement of summons

(5) If any person,

(*a*) on being duly summoned as a witness before the Board makes default in attending; or

(*b*) being in attendance as a witness refuses to take an oath legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or

(*c*) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

a member of the Board may certify the offence of that person under his hand to the High Court, and the court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Practice and procedure

(6) Subject to the approval of the Lieutenant Governor in Council, the Board shall make rules governing its practice and procedure and the exercise of its powers.

Registrar and employees

(7) A registrar and such other officers and employees of the Board as are considered necessary shall be appointed under *The Public Service Act, 1961-62. New.*

1961-62, c. 121

Service of appraisal reports

29.—(1) At least fifteen days before the date fixed for the hearing of an application before the Board, any party to the application shall serve upon each other party a copy of any appraisal report upon which it intends to rely at the hearing. *New.*

Expert evidence as to compensation

(2) Where it is intended by a party to adduce evidence as to compensation by persons entitled by law or custom to give

opinion

opinion evidence, not more than three such persons may be called by either party without the leave of the Board. *New.*

Duties of Board

30.—(1) The Board shall determine any compensation in respect of which a notice of arbitration has been served upon it under section 26 or 27, and, in the absence of agreement, determine any other matter required by this or any other Act to be determined by the Board.

Record

(2) All oral evidence submitted before the Board shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by the Board, form the record.

Reasons

(3) The Board shall prepare and furnish the parties to an application with written reasons for its decision.

Reports

(4) The Board may prepare and periodically publish a summary of such of its decisions and the reasons therefor as the Board considers to be of general public significance. *New.*

Stated case

31.—(1) Where the jurisdiction of the Board or the validity of any decision, order, direction or other act of the Board is called into question by any person affected, the Board, upon the request of such person, shall state a case in writing to the Court of Appeal setting forth the material facts and the decision of the court thereon is final and binding.

Order directing stated case

(2) If the Board refuses to state a case, any person affected may apply to the Court of Appeal for an order directing the Board to state a case.

Proceedings stayed until case determined

(3) Pending the decision of the stated case, no further proceedings in respect of the application shall be taken by the Board. *New.*

Appeals

32.—(1) An appeal lies to the Court of Appeal from any determination or order of the Board.

Idem

(2) The practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court, except that the appeal may be taken at any time within six weeks from the day the determination or order was served on the parties, and the period of any vacation of the Supreme Court shall not be reckoned in computing such six weeks.

Powers of Court of Appeal

(3) An appeal under subsection 1 may be made on questions of law or fact or both and the Court of Appeal,

(*a*) may refer any matter back to the Board; or

(*b*) may make any decision or order that the Board has power to make,

and

and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

(4) A judge of the Court of Appeal may extend the time for appeal for such period as he considers proper. 1962-63, c. 43, s. 11, *amended.* Extension of time for appeal

33.—(1) Where the amount to which an owner is entitled upon an expropriation is determined by the Board and the amount awarded by the Board is 85 per cent, or more, of the amount offered by the statutory authority, the Board shall make an order directing the statutory authority to pay the reasonable legal, appraisal and other costs actually incurred by the owner for the purposes of determining the compensation payable. Costs

(2) Where the amount to which an owner is entitled upon an expropriation is determined by the Board and the amount awarded by the Board is less than 85 per cent of the amount offered by the statutory authority, the Board may make such order for the payment of costs on a party and party basis as it considers appropriate. 1962-63, c. 43, s. 13, *amended.* Idem

34.—(1) Subject to subsection 4 of section 25, the owner of lands expropriated is entitled to be paid interest on the portion of the market value of his interest in the land and on the portion of any allowance for injurious affection to which he is entitled, outstanding from time to time, at the rate of 6 per cent a year calculated from the date the owner ceases to reside on or make productive use of the lands. Interest

(2) Subject to subsection 3, where the Board is of the opinion that any delay in determining the compensation is attributable in whole or in part to the owner, it may refuse to allow him interest for the whole or any part of the time for which he might otherwise be entitled to interest, or may allow interest at such rate less than 6 per cent a year as appears reasonable. Variation of interest

(3) The interest to which an owner is entitled under subsection 1 shall not be reduced for the reason only that the owner did not accept the offer made by the expropriating authority, notwithstanding that the compensation as finally determined is less than the offer. Idem

(4) Where the Board is of the opinion that any delay in determining compensation is attributable in whole or in part to the expropriating authority, the Board may order the expropriating authority to pay to the owner interest under subsection 1 at a rate exceeding 6 per cent a year but not exceeding 12 per cent a year. 1962-63, c. 43, s. 14, *amended.* Idem

Abatement of rent

35.—(1) Subject to subsection 2, where only part of the interest of a lessee is expropriated, the lessee's obligation to pay rent under the lease shall be abated *pro tanto*, as determined by the Board.

Frustration of lease

(2) Where all the interest of a lessee in land is expropriated or where part of the lessee's interest is expropriated and the expropriation renders the remaining part of the lessee's interest unfit for the purposes of the lease, as determined by the Board, the lease shall be deemed to be frustrated from the date of the expropriation. *New.*

Character of compensation

36. Where land has been expropriated, the compensation stands in the stead of the land, and any claim to or encumbrance on the land is, as respects the expropriating authority, converted into a claim to or upon the compensation and no longer affects the land. 1962-63, c. 43, s. 15 (1).

Payment of compensation not exceeding $1,000

37. Where the owner who is entitled to convey the land that has been expropriated or injuriously affected and the statutory authority agree as to the compensation or the compensation has been determined and in either case it does not exceed $1,000, the statutory authority may pay the compensation to the owner who is entitled to convey the land, saving always the rights of any other person to the compensation as against the person receiving it, and such payment discharges the statutory authority from all liability in respect of the compensation. 1962-63, c. 43, s. 15 (2).

Representative

38. Where an owner of the land is unknown, is under a disability or for any other reason is not represented, a judge of the Supreme Court may, after due notice to the persons interested, appoint a person to represent such owner for any of the purposes of this Act, and any action of a person so appointed is binding on the person whom he represents. 1962-63, c. 43, s. 16.

Payment into court

39.—(1) In any case where the statutory authority deems it advisable, it may, without an order, pay the compensation agreed upon or determined into the office of the Accountant of the Supreme Court together with a sum equal to the interest thereon at the rate of 6 per cent a year for six months.

Payment out of court

(2) Upon an application for payment out of court of compensation paid into court, a judge of the Supreme Court may direct that such notice of the application be given by publication or otherwise as he deems proper and may direct the trial of an issue or make such order with respect to the payment out of court of compensation and as to costs as he considers reasonable.

Adjustment of interest

(3) Where an order is obtained under subsection 2 in less than six months after the payment of the compensation into court, the judge making the order may direct that a proportionate part of the interest be returned to the statutory authority.

Where unborn issue interested

(4) Where unborn issue or an unascertained person or class is interested in compensation paid into court, a judge of the Supreme Court may appoint such person as he considers proper to represent them, and any order made under this section is binding on them. 1962-63, c. 43, s. 17.

Possession of expropriated land

40.—(1) Where land that has been expropriated is vested in an expropriating authority and the expropriating authority has served the registered owner with a notice that it requires possession of the land on the date specified therein, the expropriating authority, subject to any agreement to the contrary and if no application is made under subsection 3, shall take possession of the land on the date specified in the notice.

Date for possession

(2) Subject to subsection 3, the date for possession shall be at least three months after the date of the serving of the notice of possession.

Application for postponement of possession

(3) A registered owner or an expropriating authority may, upon such notice as the judge directs, apply to a judge for an adjustment of the date for possession specified in the notice of possession, and the judge, if he considers that under all the circumstances the application should be granted, may order that the date for possession shall be on such earlier or later date as is specified in the order. 1962-63, c. 43, s. 19, *amended.*

Warrant to put down resistance to entry, etc.

41.—(1) Where resistance or opposition is made to the expropriating authority or any person authorized by it in entering upon, using or taking possession of land when it is entitled so to do, it may apply to a judge for a warrant directing the sheriff to put down the resistance or opposition.

Hearing

(2) The judge shall, in writing, appoint a time and place for the hearing of the application and in his appointment may direct that it shall be served upon such person as he prescribes.

Issue of warrant

(3) On proof of the resistance or opposition, the judge may issue a warrant.

Return

(4) The sheriff shall forthwith execute the warrant and make a return to the judge of the execution thereof. 1962-63, c. 43, s. 20, *amended.*

Abandonment of expropriated land

42.—(1) Where, at any time before the compensation upon an expropriation is paid in full, the land or any part thereof is found to be unnecessary for the purposes of the expropriating authority or if it is found that a more limited estate or interest therein only is required, the expropriating authority shall so notify each owner of the abandoned land, or estate or interest, who is served or entitled to be served with the notice of expropriation, who may, by election in writing,

(*a*) take the land, estate or interest back, in which case he has the right to compensation for consequential damages; or

(*b*) require the expropriating authority to retain the land, estate or interest, in which case he has the right to full compensation therefor. *New.*

Revesting

(2) Where all the owners elect to take the land, estate or interest back under clause *a* of subsection 1, the expropriating authority may, by an instrument signed by it and registered in the proper registry or land titles office and served on each owner, declare that the land or part thereof is not required and is abandoned by the expropriating authority or that it is intended to retain only such limited estate or interest as is mentioned in the instrument, and thereupon,

(*a*) the land declared to be abandoned revests in the owner from whom it was expropriated and those entitled to claim under him; or

(*b*) in the event of a limited estate or interest only being retained by the expropriating authority, the land so revests subject to such limited estate or interest. 1962-63, c. 43, s. 21 (1), *amended.*

Disposal of expropriated lands

43. Where lands that have been expropriated and are in the possession of the expropriating authority are found by the expropriating authority to be no longer required for its purposes, the expropriating authority shall not, without the approval of the approving authority, dispose of the lands without giving the owners from whom the land was taken the first chance to repurchase the lands on the terms of the best offer received by the expropriating authority. *New.*

Time for application.

44. Any application to set aside or quash any proceeding or step taken under this Act shall be made within thirty days after the proceeding or step in respect of which the application is made, but this section does not apply where the applicant was entitled to and not given notice of the proceeding or step or where the proceeding or step was a nullity. *New.*

45. The Lieutenant Governor in Council may make regulations, Regulations

(*a*) prescribing rates of interest for the purposes of section 20;

(*b*) prescribing forms for the purposes of this Act and providing for their use;

(*c*) prescribing procedures respecting applications to and hearings by inquiry officers and boards of negotiation. *New.*

46.—(1) This Act applies in respect of expropriations for which a plan has not been registered under section 4 of *The Expropriation Procedures Act, 1962-63* before this Act comes into force, and an expropriation for which a plan has been registered under section 4 of the said Act before this Act comes into force shall be continued in accordance with *The Expropriation Procedures Act, 1962-63*, except that where the compensation has not been agreed upon between the parties and no evidence has been heard by a tribunal under *The Expropriation Procedures Act, 1962-63*, other than the board of negotiation, sections 13 to 21, 23, 24, 29, 33, 34, 35 and 42 apply thereto. Application to existing proceedings R.S.O. 1960, c. 43

(2) Until section 28 is proclaimed in force, the Ontario Municipal Board shall be deemed to be the Land Compensation Board. *New.* O.M.B. to be interim Land Compensation Board

47. *The Expropriation Procedures Act, 1962-63*, *The Expropriation Procedures Amendment Act, 1965* and *The Expropriation Procedures Amendment Act, 1966* are repealed. 1962-63, c. 43; 1965, c. 38; 1966, c. 53 repealed

48.—(1) This Act, except section 28, comes into force on the day it receives Royal Assent. Commencement

(2) Section 28 comes into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

49. This Act may be cited as *The Expropriations Act, 1968-69*. Short title

CHAPTER 37

An Act to amend The Farm Products Marketing Act

Assented to June 9th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of subsection 1 of section 4 of *The Farm Products Marketing Act* is amended by inserting after "product" in the fourth line "including the completing and filing of returns", so that the clause shall read as follows: R.S.O. 1960, c. 137, s. 4, subs. 1, cl. *d*, amended

(*d*) require persons engaged in producing or marketing a regulated product to furnish such information relating to the production or marketing of the regulated product, including the completing and filing of returns, as the Board or local board determines.

(2) Clause *e* of subsection 1 of the said section 4, as re-enacted by subsection 2 of section 3 of *The Farm Products Marketing Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 4, subs. 1, cl. *e* (1962-63, c. 45, s. 3, subs. 2), re-enacted

(*e*) appoint persons to inspect the books, records, documents, lands and premises and any regulated product of persons engaged in producing or marketing the regulated product.

(3) Subclause i of clause *ea* of subsection 1 of the said section 4, as enacted by subsection 2 of section 3 of *The Farm Products Marketing Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 4, subs. 1, cl. *ea* (1962-63, c. 45, s. 3, subs. 2), subcl. i, re-enacted

(i) the books, records and documents.

(4) Clause *g* of subsection 1 of the said section 4 is repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 4, subs. 1, cl. *g*, re-enacted

(g) co-operate with a marketing board, local board, marketing commission or marketing agency of Canada or of any province in Canada for the purpose of marketing any regulated product.

R.S.O. 1960, c. 137, s. 4, subs. 6 (1965, c. 39, s. 2), re-enacted

(5) Subsection 6 of the said section 4, as enacted by section 2 of *The Farm Products Marketing Amendment Act, 1965*, is repealed and the following substituted therefor:

Protection of board members and employees

(6) No member of the Board or of a local board and no officer, clerk or employee of the Board or of a local board is personally liable for anything done or omitted to be done by it or by him in good faith in the exercise of any power or the performance of any duty under the authority, or purporting to be under the authority, of this Act or the regulations.

R.S.O. 1960, c. 137, s. 6, subs. 2 (1962-63, c. 45, s. 5, subs. 4), amended

2. Subsection 2 of section 6 of *The Farm Products Marketing Act*, as re-enacted by subsection 4 of section 5 of *The Farm Products Marketing Amendment Act, 1962-63*, is amended by inserting after "plan" in the first line "or any regulations", so that the subsection shall read as follows:

Application of plan and regulations

(2) A plan or any regulations may apply to all of Ontario or to any area within Ontario and may apply to one or more farm products or any part, class, variety, grade or size of farm product, including any part or class of farm product produced or marketed for a particular purpose, and to any or all persons engaged in producing or marketing one or more farm products or any part, class, variety, grade or size of farm product, including any part or class of farm product produced or marketed for a particular purpose.

R.S.O. 1960, c. 137, s. 8, subs. 1, par. 13, amended

3.—(1) Paragraph 13 of subsection 1 of section 8 of *The Farm Products Marketing Act* is amended by inserting after "fees" in the second line "service charges", so that the paragraph shall read as follows:

13. authorizing a local board to use any class of licence fees, service charges and other moneys payable to it, for the purposes of paying the expenses of the local board, carrying out and enforcing this Act and the regulations and carrying out the purposes of the plan under which the local board is established.

R.S.O. 1960, c. 137, s. 8, subs. 1, par. 20 (1962-63, c. 45, s. 6, subs. 7), re-enacted

(2) Paragraph 20 of subsection 1 of the said section 8, as re-enacted by subsection 7 of section 6 of *The Farm Products Marketing Amendment Act, 1962-63*, is repealed and the following substituted therefor:

20. authorizing any local board to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product and, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the moneys received from the sale in such manner that every producer receives a share of the remainder of the moneys received from the sale in relation to the amount, class, variety, grade or size of the regulated product delivered by him, and authorizing such local board to make an initial payment on delivery of the regulated product and subsequent payments until all of the remainder of the moneys received from the sale is distributed to the producers.

(3) The said section 8, as amended by section 6 of *The Farm Products Marketing Amendment Act, 1962-63*, section 3 of *The Farm Products Marketing Amendment Act, 1965*, section 1 of *The Farm Products Marketing Amendment Act, 1966* and section 3 of *The Farm Products Marketing Amendment Act, 1968*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 137, s. 8, amended

(6) Where the Board authorizes a local board to exercise any of the powers mentioned in subsection 1, the local board, in the exercise of such powers, may make regulations or orders or issue directions. Authority of local board to make regulations, etc.

4.—(1) Subclause iv of clause *a* of subsection 1 of section 9 of *The Farm Products Marketing Act* is amended by inserting after "producers" in the second line "or to the local board, as the case may be", so that the subclause shall read as follows: R.S.O. 1960, c. 137, s. 9, subs. 1, cl. *a*, subcl. iv, amended

(iv) to determine from time to time the price or prices that shall be paid to producers or to the local board, as the case may be, for the regulated product or any class, variety, grade or size of the regulated product and to determine different prices for different parts of Ontario.

(2) Subclause vii of clause *a* of subsection 1 of the said section 9 is amended by striking out "owing to the producer" in the fourth line, so that the subclause shall read as follows: R.S.O. 1960, c. 137, s. 9, subs. 1, cl. *a*, subcl. vii, amended

(vii) to collect from any person by suit in a court of competent jurisdiction the price or prices or any part thereof of the regulated product.

(3) Subclause viii of clause *a* of subsection 1 of the said section 9, as amended by subsection 5 of section 7 of *The Farm Products Marketing Amendment Act, 1962-63*, is further R.S.O. 1960, c. 137, s. 9, subs. 1, cl. *a*, subcl. viii, amended

amended

amended by adding at the end thereof "and to sell or otherwise dispose of any of the regulated product so purchased or acquired", so that the subclause shall read as follows:

(viii) to purchase or otherwise acquire such quantity or quantities of the regulated product as the local board deems advisable and to sell or otherwise dispose of any of the regulated product so purchased or acquired.

R.S.O. 1960, c. 137, s. 9, amended

(4) The said section 9, as amended by section 7 of *The Farm Products Marketing Amendment Act, 1962-63* and section 4 of *The Farm Products Marketing Amendment Act, 1968*, is further amended by adding thereto the following subsection:

Power of local board to make regulations, etc.

(2*a*) Where the Board vests in a local board any of the powers mentioned in clause *a* or *aa* of subsection 1, the local board, in the exercise of such powers, may make regulations or orders or issue directions.

R.S.O. 1960, c. 137, amended

5. *The Farm Products Marketing Act* is amended by adding thereto the following sections:

Producer-processors

10*b*.—(1) Any person who is a producer and a processor of a regulated product is entitled in his respective capacities as a producer and as a processor to all the rights and privileges and is subject to all the duties and obligations of a producer and a processor.

Producer and person marketing regulated product

(2) Any person who is a producer and a person engaged in marketing a regulated product is entitled in his respective capacities as a producer and as a person engaged in marketing the regulated product to all the rights and privileges and is subject to all the duties and obligations of a producer and a person engaged in marketing the regulated product.

. . . . .

Injunction proceedings

12*a*. Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or any plan, order, direction, agreement, award or renegotiated agreement or award made under this Act has been or is being committed by any person engaged in marketing or processing a regulated product, the Supreme Court or a judge thereof may, upon the application of the Board or a local board, enjoin any such person from continuing to engage in marketing or processing

the

the regulated product absolutely or for such period as seems just, and any injunction cancels the licence, if any, of the person named in the order for the same period.

6. Section 13 of *The Farm Products Marketing Act*, as amended by section 9 of *The Farm Products Marketing Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 13, re-enacted

13. Every person who fails to comply with or contravenes any of the provisions of this Act, or of the regulations, or of any plan, or of any order, regulation or direction of the Board or any local board or of any agreement or award or renegotiated agreement or award filed with the Board is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than $500 and for a subsequent offence to a fine of not more than $5,000. Offences

7. Section 14 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 137, s. 14, re-enacted

14.—(1) Every person who fails to pay at least the minimum price established for a regulated product in an agreement or award filed with the Board or the price of a regulated product determined by a local board is, in addition to the fine provided for in section 13, liable to a penalty of an amount equal to the amount of such minimum or determined price, less any amount paid by such person as payment in full or in part for such regulated product. Failure to pay minimum price

(2) Every penalty imposed under subsection 1 shall be paid to the local board and the local board shall, Disposition of penalty

(*a*) distribute the money so paid *pro rata* among the persons who failed to receive at least the minimum or determined price; or

(*b*) use the money to stimulate, increase and improve the marketing of the regulated product.

8. This Act comes into force on the day it receives Royal Assent. Commencement

9. This Act may be cited as *The Farm Products Marketing Amendment Act, 1968-69*. Short title

CHAPTER

CHAPTER 38

An Act to amend The Fines and Forfeitures Act

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Fines and Forfeitures Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 143, s. 2, re-enacted

2.—(1) Where a fine has been imposed for a contravention of an Act of the Legislature or a regulation made thereunder and no other provision is made for its recovery, it is recoverable with costs by a civil action at the suit of the Crown. Recovery of fines by action

(2) Notwithstanding any general or special Act, no fine recovered for a contravention of an Act of the Legislature or a by-law or regulation made thereunder or any part of such fine shall be paid to a person acting as an informer or a prosecutor. No fines payable to informer or prosecutor

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Fines and Forfeitures Amendment Act, 1968-69*. Short title

CHAPTER 39

An Act to amend The Fish Inspection Act

Assented to May 13th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Fish Inspection Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 150, s. 1, cl. *d*, re-enacted

(*d*) "inspector" means a person appointed by the Minister as an inspector under this Act or a person declared to be an inspector, *ex officio*, under this Act.

2. *The Fish Inspection Act* is amended by adding thereto the following section: R.S.O. 1960, c. 150, amended

1*a*.—(1) The Minister may appoint an inspector or inspectors who shall perform such duties as may be prescribed by this Act or the regulations. Appointment of inspectors

(2) The Lieutenant Governor in Council may declare that inspectors appointed under the *Fish Inspection Act* (Canada) are inspectors, *ex officio*, under this Act. Idem R.S.C. 1952, c. 118

3. Subsection 1 of section 13 of *The Fish Inspection Act*, as amended by subsection 1 of section 1 of *The Fish Inspection Amendment Act, 1961-62*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 150, s. 13, subs. 1, amended

(*ca*) prescribing the duties of inspectors.

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The Fish Inspection Amendment Act, 1968-69*. Short title

CHAPTER 40

An Act to regulate the Marketing of Freshwater Fish

Assented to May 13th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act, Interpretation

(*a*) "Corporation" means the Freshwater Fish Marketing Corporation established under the Federal Act;

(*b*) "designated area" means the part or parts of Ontario designated by regulations made under section 2;

(*c*) "Federal Act" means the *Freshwater Fish Marketing Act* (Canada), as amended or re-enacted from time to time;

(*d*) "fish" means round, dressed or filleted fish of any species enumerated in the Schedule to the Federal Act, whether fresh or frozen and whether packaged or unpackaged, that are fished for commercial purposes in the designated area, and includes parts of any such fish;

(*e*) "fisherman" means a person licensed pursuant to the *Fisheries Act* (Canada) or the regulations thereunder to fish for commercial purposes in the designated area, and includes any person acting on behalf of and representing any two or more persons so licensed; R.S.C. 1952, c. 119

(*f*) "inspector" means a person designated by the Minister as an inspector under this Act, or a person declared to be an inspector *ex officio* under this Act;

(*g*) "Minister" means the Minister of Lands and Forests;

(*h*)

(*h*) "regulations" means the regulations made under this Act.

POWERS OF THE CORPORATION

Designation of Corporation

2.—(1) The Lieutenant Governor in Council may make regulations designating the Corporation as the body to control the selling and buying of fish in such part or parts of Ontario as may be designated in the regulations.

Director

(2) Where a regulation has been made under subsection 1, the Lieutenant Governor in Council may recommend the appointment of a director of the Corporation.

Corporation to buy all fish offered

3. Where a regulation has been made under subsection 1 of section 2, all fish lawfully fished by a fisherman and offered by him for sale to the Corporation for disposal in intra-provincial trade shall be bought by the Corporation from the fisherman upon such terms and conditions and for such price as may be agreed upon by the Corporation and the fisherman, subject to any applicable scheme for payment established and operated by the Corporation pursuant to section 24 of the Federal Act.

INSPECTORS

Designation of inspectors

4.—(1) The Minister may designate an inspector or inspectors whose duties are to carry out the provisions of this Act and the regulations.

Idem

(2) The Lieutenant Governor in Council may declare that inspectors designated under the Federal Act or appointed under the *Fish Inspection Act* (Canada) are inspectors *ex officio* under this Act.

R.S.C. 1952, c. 118

Powers of inspector

5.—(1) An inspector may at any reasonable time,

(*a*) enter any place or premises that he reasonably believes is being used to store, pack, process or prepare fish for market or shipment or any vehicle, trailer, vessel, railway car or aircraft that he reasonably believes is being used to ship or convey fish for market;

(*b*) open any container found therein or examine anything found therein that he reasonably believes contains any such fish, and take samples thereof; and

(*c*) require any person to produce for inspection or for the purpose of obtaining copies thereof or extracts therefrom, any books, shipping bills, bills of lading,

invoices

invoices or other documents or papers concerning any matter relevant to the administration of this Act.

Certificate of appointment

(2) An inspector shall be furnished with a certificate of his designation or appointment as an inspector and on entering any place, premises or conveyance referred to in subsection 1 shall, if so required, produce the certificate to the person in charge thereof.

Assistance to inspector

(3) The owner or person in charge of any place, premises or conveyance referred to in subsection 1 and every person found therein shall give an inspector all reasonable assistance in his power to enable the inspector to carry out his duties and powers under this Act and shall furnish him with such information with respect to the administration of this Act as he may reasonably require.

Seizure

6.—(1) Where an inspector believes on reasonable grounds that any provision of this Act has been contravened, he may seize and detain the fish by means of or in relation to which he reasonably believes the contravention was committed.

Detention

(2) Any fish seized and detained pursuant to subsection 1 shall not be detained after,

(*a*) in the opinion of an inspector, the provisions of this Act have been complied with; or

(*b*) the expiration of ninety days from the day of seizure,

unless before that time proceedings have been instituted in respect of the contravention, in which event the fish may be detained until the proceedings are finally concluded.

Forfeiture

(3) Where a person has been convicted of a contravention of any provision of this Act, any fish by means of or in relation to which the offence was committed is, upon the conviction, in addition to any penalty imposed, forfeited to Her Majesty if such forfeiture is directed by the court.

Obstruction of inspectors

7.—(1) No person shall obstruct or hinder an inspector in carrying out his duties or exercising his powers under this Act or the regulations.

False statements

(2) No person shall make a false or misleading statement either orally or in writing to an inspector engaged in carrying out his duties or exercising his powers under this Act or the regulations.

REGULATION OF INTRAPROVINCIAL TRADE

Intra-provincial trade in fish

8. Except as otherwise provided in the regulations or except in accordance with the terms and conditions set forth in any licence that may be issued by the Corporation in that behalf, no person other than the Corporation or an agent of the Corporation shall sell or buy, or agree to sell or buy, fish.

PARTICIPATING AGREEMENT

Agreement

9. The Minister, with the approval of the Lieutenant Governor in Council, may on behalf of the Government of Ontario enter into an agreement with the Government of Canada providing for,

(*a*) the sharing by Ontario with the Government of Canada of initial operating and establishment expenses of the Corporation and of any losses incurred as a result of,

(i) the guarantee of repayment of loans and interest thereon, made by any bank to the Corporation, and

(ii) loans made by Canada to the Corporation,

under subsection 1 of section 17 of the Federal Act.

(*b*) the performance by the Corporation, on behalf of Ontario, of functions relating to intraprovincial trade in fish;

(*c*) the undertaking by Ontario of arrangements for the payment, to the owner of any plant or equipment used in storing, processing or otherwise preparing fish for market, of compensation for any such plant or equipment that will or may be rendered redundant by reason of any operations authorized to be carried out by the Corporation; and

(*d*) such other matters as may be agreed upon by the Minister and the Government of Canada.

OFFENCES AND PENALTIES

Offences

10. Every person who, or whose employee or agent, contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than $5,000.

Offence by agent or employee

11. In any prosecution for an offence under this Act or the regulations, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused

whether

whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without his knowledge or consent and that he exercised all due diligence to prevent its commission.

Time limit

12. Any proceedings by way of summary conviction in respect of an offence against this Act or the regulations may be instituted at any time within one year after the time when the subject matter of the proceedings arose.

REGULATIONS

Regulations

13.—(1) The Lieutenant Governor in Council may make regulations,

(*a*) requiring licences to send, convey or carry fish in Ontario;

(*b*) governing the issue and form of licences and prescribing the terms and conditions thereof;

(*c*) exempting from the application of all or any of the provisions of this Act, either conditionally or unconditionally and either in general terms or for a specified period, any species of fish, any part of the designated area, any transaction, person or class of transactions or persons;

(*d*) respecting the detention of fish seized under this Act and for preserving or safeguarding the fish so detained.

(*e*) respecting the disposition of fish forfeited under this Act;

(*f*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Regulation may be limited

(2) Any regulation made under this Act may be limited as to time and place.

Commencement

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

15. This Act may be cited as *The Freshwater Fish Marketing Act (Ontario), 1968-69.*

CHAPTER

CHAPTER 41

The Gasoline Handling Act, 1968-69

Assented to October 31st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act and in the regulations, Interpretation

(*a*) "associated product" means any product of petroleum, other than gasoline, wax and asphalt;

(*b*) "bulk plant" means one or more storage tanks, including the appurtenances thereof, where gasoline or an associated product is received by pipe line, tank vessel, tank car or tank vehicle and is stored in bulk for subsequent transmission by pipe line or transportation or distribution by tank vessel, tank car or tank vehicle;

(*c*) "consumer outlet" means any premises at which gasoline or an associated product of the operator of the outlet is put into the fuel tanks of motor vehicles used by the operator of the outlet or into portable containers used by the operator of the outlet;

(*d*) "equipment" means equipment used or to be used in the handling of gasoline or an associated product;

(*e*) "flash point" means the lowest temperature, determined by using a Tagliabue closed-cup tester, at which the vapour of a product of petroleum forms a flammable mixture in air;

(*f*) "gasoline" means a product of petroleum that has a flash point below 73°F. and that is designed for use in an internal combustion engine;

(*g*) "handling" means the storing, transmitting, transporting or distributing of gasoline or an associated product, and includes putting gasoline or an associated product into the fuel tank of a motor vehicle, motor boat or other water craft or into a container;

(*h*) "inspector" means an inspector authorized to enforce this Act;

(*i*) "marina" means any premises at which gasoline or an associated product is sold and is put into the fuel tanks of motor boats and other water craft or into portable containers;

(*j*) "Minister" means the Minister of Energy and Resources Management;

(*k*) "portable container" means a container that has a capacity of ten gallons or less, that is designed, manufactured and used or to be used for the storage or conveyance of gasoline or an associated product;

(*l*) "regulation" means a regulation made under the authority of this Act;

(*m*) "service station" means any premises at which gasoline or an associated product is sold and is put into the fuel tanks of motor vehicles or into portable containers;

(*n*) "transport" means to convey in or on a vehicle gasoline or an associated product, exclusive of the fuel carried for use in the vehicle, and "transporting" and "transportation" have corresponding meanings. 1966, c. 61, s. 1, *amended*.

Gasoline handling equipment must be approved

2. No person shall,

(*a*) offer for sale or sell;

(*b*) install; or

(*c*) use in a service station, consumer outlet, marina or bulk plant,

any equipment that is not approved by the Minister pursuant to the regulations. 1966, c. 61, s. 3, *amended*.

Containers must be approved

3. In a service station, consumer outlet, marina or bulk plant, no person shall put gasoline or an associated product having a flash point below 73°F. into any container of a type that is not approved by the Minister pursuant to the regulations. *New*.

Approval of specifications for equipment

4. The Minister may establish or approve specifications or test reports for equipment and designate organizations to test equipment in accordance with such requirements. *New*.

Equipment must comply with regulations

5. All equipment shall be installed, tested, operated or used in accordance with the regulations. *New.*

Licence required to operate service station, etc.

6.—(1) No person shall,

(*a*) operate a service station;

(*b*) operate a marina;

(*c*) operate a bulk plant; or

(*d*) transport gasoline or an associated product,

unless licensed to do so by the Minister. 1966, c. 61, s. 2 (1), *amended.*

Cancellation, suspension of licence

(2) The Minister may refuse to issue a licence under this Act to any person and may cancel or suspend any licence issued under this Act where the applicant or licensee, as the case may be, has contravened or failed to comply with any provision of this Act or the regulations. 1966, c. 61, s. 2 (2).

Employers must take reasonable precautions

7. Every person who employs another person in the handling of gasoline or an associated product or in the installing of equipment shall take every precaution that is reasonable in the circumstances to ensure that his employees comply with this Act and the regulations. *New.*

Inspectors 1964, c. 74

8.—(1) Every inspector appointed for the purposes of *The Energy Act, 1964* is authorized to enforce this Act. 1966, c. 61, s. 4 (1), *amended.*

Powers

(2) Every inspector may, for the purposes of this Act and the regulations,

(*a*) enter any premises where he has reason to believe there has been, are or may be hazardous conditions relative to gasoline or an associated product;

(*b*) make such inspections, tests and inquiries as are necessary to ascertain whether this Act and the regulations are being complied with;

(*c*) take samples of any liquid that he has reason to believe is or may contain gasoline or an associated product; and

(*d*) require the production of any licence or other document prescribed by a regulation, and examine and copy it.

Instructions

(3) An inspector may give instructions orally or in writing to any person with respect to any matter in order to bring about compliance with this Act and the regulations and may require that his instructions be carried out within such time as he specifies.

Idem

(4) Where a person to whom an inspector gives oral instructions requests the inspector to put his instructions in writing, he shall do so.

Duty to assist inspector

(5) The occupant of any premises and his servants, agents and employees shall give reasonable assistance to an inspector in the exercise of his powers under this Act. 1966, c. 61, s. 4 (2-5), *amended*.

No personal liability

(6) No inspector is personally liable for anything done by him in the exercise of his powers under this Act. *New*.

Regulations

9. The Lieutenant Governor in Council may make regulations,

(*a*) appointing such persons or classes of persons as may be necessary to assist in the enforcement of this Act and the regulations;

(*b*) exempting any person or class of persons from this Act or the regulations or any of the provisions thereof;

(*c*) exempting any equipment or any class of equipment from this Act or the regulations or any of the provisions thereof;

(*d*) respecting the term, issue, renewal and posting of licences and prescribing the fees therefor;

(*e*) designating organizations to test equipment to specifications established or approved by the Minister and, where the equipment conforms to the specifications, to place their label thereon;

(*f*) prescribing procedures for installing, testing, operating and using equipment;

(*g*) respecting the approval by the Minister of equipment or any type thereof;

(*h*) prescribing grades of gasoline and associated products, and providing for the identification thereof;

(*i*) prescribing forms and providing for their use;

(*j*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1966, c. 61, s. 5 (1), *amended*.

10. This Act and the regulations prevail over any municipal by-law. 1966, c. 61, s. 5, *amended*. Act prevails over by-laws

11. Every person who, Offences and penalties

(*a*) contravenes or fails to comply with any provision of this Act or the regulations;

(*b*) knowingly makes a false statement in any document prescribed by the regulations; or

(*c*) fails to carry out the instructions of an inspector,

is guilty of an offence and on summary conviction is liable to a fine of not more than $10,000 or to imprisonment for a term of not more than one year, or to both. 1966, c. 61, s. 6 (1).

12. Every licence issued under the predecessor of this Act and in force on the day this Act comes into force shall be deemed to have been issued under this Act. Existing licences

13. *The Gasoline Handling Act, 1966* is repealed. 1966, c. 61, repealed

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

15. This Act may be cited as *The Gasoline Handling Act, 1968-69*. Short title

CHAPTER

CHAPTER 42

An Act to provide for the Establishment, upon an Opinion Poll by Secret Ballot of the Farmers in Ontario, of a General Farm Organization

Assented to June 9th, 1969
Session Prorogued December 17th, 1969

WHEREAS it is deemed desirable to provide for an opinion poll to be taken by secret ballot among the farmers in Ontario respecting the establishment of a General Farm Organization; and whereas it is deemed desirable to provide for the establishment of the General Farm Organization where, in the opinion of the Lieutenant Governor in Council, at least sixty per cent of the farmers voting in the opinion poll are in favour thereof;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "association" means an association designated under *The Beef Cattle Marketing Act, 1968* or *The Farm Products Marketing Act*; 1968, c. 7 R.S.O. 1960, c. 137

(*b*) "commodity board" means,

(i) a local board established under *The Farm Products Marketing Act*, or

(ii) a marketing board established under *The Milk Act, 1965*; 1965, c. 72

(*c*) "executive committee" means the executive committee of the Organization;

(*d*) "farmer" means,

(i) a person, other than a body corporate, who is the owner, part owner or tenant of a farm in Ontario or who is a shareholder in a body corporate that is the owner, part owner or

tenant

tenant of a farm in Ontario and who is engaged on the farm in the production of agricultural products and, without limiting the generality of the foregoing, engaged in the production of live stock, live stock products, poultry, poultry products, fruit, fruit products, grains, honey, maple products, seeds, tobacco, trees, vegetables, vegetable products or wood,

(ii) his or her spouse, and

(iii) any person related to him or her through blood relationship, marriage or adoption, of the age of twenty-one years or older and actively engaged in the operation of the farm of the person referred to in subclause i;

(*e*) "local" means the group of members of the Organization residing in a local area established under this Act;

(*f*) "Organization" means the General Farm Organization;

(*g*) "Provincial Council" means the Provincial Council of the Organization;

(*h*) "regulations" means the regulations made under this Act.

PART I

Opinion poll

2.—(1) Upon receipt of a petition respecting the establishment of the Organization that, in the opinion of the Lieutenant Governor in Council is signed by not fewer than 15,000 farmers in Ontario, the Lieutenant Governor in Council shall provide for an opinion poll to be taken by secret ballot for the purpose of obtaining an expression of opinion from the farmers of Ontario respecting the establishment of the Organization.

Proclamation

(2) Where the opinion poll referred to in subsection 1 has been taken, sections 3 to 18 shall be proclaimed in force where, in the opinion of the Lieutenant Governor in Council, at least 60 per cent of the farmers voting in the opinion poll are in favour thereof.

R.S.O. 1960, c. 349 not to apply

(3) *The Regulations Act* does not apply to the opinion poll taken under this Part or any order made by the Lieutenant Governor in Council respecting such opinion poll.

PART II

PART II

General Farm Organization established

3.—(1) There is hereby established a body corporate to be known as the General Farm Organization which is hereby authorized to act on behalf of the farmers in Ontario generally in carrying out the purposes and objects referred to in subsection 3.

Rights, etc., not affected

(2) Nothing in subsection 1 affects the rights, powers and duties of any association or commodity board.

Organization may be constituted a commodity board

R.S.O. 1960, c. 137
1965, c. 72

(3) In the exercise of the powers conferred by section 6 of *The Farm Products Marketing Act* or section 7 of *The Milk Act, 1965*, as the case may be, the Lieutenant Governor in Council may constitute the Organization as the commodity board to administer a plan where,

(*a*) a plebiscite is held,

(i) upon the question of favour of the plan, of the producers affected by the proposed plan, or

(ii) upon the question of favour of amendment of the plan, of the producers of the regulated product in respect of which the plan is in force;

(*b*) the plebiscite includes a question respecting the proposal to constitute the Organization as the commodity board to administer the plan; and

(*c*) in the opinion of the Lieutenant Governor in Council, at least 66⅔ per cent of the producers voting in the plebiscite are in favour of constituting the Organization as the commodity board.

Purposes and objects of Organization

(4) The purposes and objects of the Organization shall be as follows:

1. To conduct research of all kinds into all phases of agricultural activity including, without limiting the generality of the foregoing,

(*a*) research into the cost of supplies, material and equipment purchased by farmers for use in agriculture and the methods by which such supplies, material and equipment are manufactured, produced or marketed;

(*b*) research into the methods of production by farmers of agricultural products;

(*c*) research into the marketing of agricultural products produced by farmers including the buying, selling, transporting, distributing, advertising, packaging, grading and marketing of such agricultural products;

(*d*) research into the importing of agricultural products into Ontario and the exporting of agricultural products from Ontario including the buying, selling, transporting, distributing, advertising, packaging, grading and marketing of such agricultural products;

(*e*) research into any matter that may affect the income of farmers in Ontario whether arising directly from the production or marketing of agricultural products or otherwise.

2. To make representations on behalf of its members in particular and on behalf of farmers in general to any level of Government or any agency, board or commission established thereby.

3. To develop, perform and carry out programs for the benefit of farmers either by itself or by negotiations with any level of Government or any agency, board or commission established thereby or with any segment of industry and to develop processes for such negotiations.

4. To study, evaluate and make recommendations respecting policies and procedures of any level of Government or any agency, board or commission established thereby.

5. To co-operate with any society, association or body of persons having the same or similar purposes and objects.

6. To assist in the establishment of a single general farm organization in Canada.

Interim management committee

4.—(1) The Lieutenant Governor in Council shall appoint not fewer than three persons and not more than five who shall be the interim management committee of the Organization until the conclusion of the first annual convention of the Organization and who shall have all of the powers of a Provincial Council under section 9 but no by-law passed by it comes into force until confirmed by a majority of the delegates at the first annual convention, other than a by-law providing for,

(*a*) the election of delegates to the first annual convention and of members of an interim Provincial Council;

(*b*) the establishment of an interim Provincial Council and the election thereby of members of the executive committee;

(*c*) the holding of the first annual convention and the election by the delegates thereto of members of the executive committee.

Idem (2) The interim management committee may appoint from among its members a chairman and vice-chairman of the committee.

Members of Organization **5.**—(1) Until and during the first annual convention of the Organization every farmer in Ontario is a member thereof.

Idem (2) After the first annual convention of the Organization, the membership of the Organization shall consist of farmers who are in possession of a valid membership card issued by the Organization and the conditions upon which a membership card is issued shall be determined by the by-laws of the Organization.

Establishment of local areas **6.** There shall be established by by-law areas within the Province of Ontario to be known as "local areas" and the members of the Organization who reside in a local area constitute the local of the Organization for that local area.

Establishment of district areas **7.** There shall be established by by-law district areas composed of two or more local areas and district committees for the district areas and the by-laws of the Organization shall provide for the composition, powers and duties of the district committees.

Provincial Council **8.**—(1) There shall be a Provincial Council of the Organization, the membership of which shall be elected or appointed in the manner provided for by the by-laws of the Organization.

Eligibility for election or appointment (2) No person who is elected or appointed by any person or body of persons to the Provincial Council is eligible to be elected or appointed for the same term by any other person or body of persons.

Appointment of committees (3) The Provincial Council may appoint, from among its members or otherwise, committees to inquire into and make recommendations to the Provincial Council on any matter relating to agriculture and food.

9.

Power to pass by-laws

9.—(1) The Provincial Council may pass by-laws, not inconsistent with this Act or the regulations, for governing the affairs of the Organization, and, without limiting the generality of the foregoing, may pass by-laws,

(*a*) providing for the issue of membership cards to members of the Organization and prescribing the terms and conditions upon which such cards shall be issued;

(*b*) establishing local areas and providing for the governing of locals;

(*c*) establishing district areas and district committees therein and prescribing the powers and duties of such committees;

(*d*) providing for the election or appointment of its members and prescribing its powers and duties;

(*e*) providing for the holding of annual conventions, prescribing the time and place thereof and providing for the election or appointment of delegates and alternate delegates thereto;

(*f*) providing for the holding of special conventions, prescribing the time and place thereof and providing for the election or appointment of delegates and alternate delegates thereto;

(*g*) providing for the election, by the delegates at an annual convention, of a president, first vice-president and second vice-president of the Organization and prescribing their powers and duties;

(*h*) providing for the establishment of an executive committee and for the election of the members thereof;

(*i*) providing for the appointment of a secretary and a treasurer or a secretary-treasurer for the Organization and such other officers, servants and agents as it deems proper;

(*j*) providing for the appointment of a public accountant for the purposes of section 12;

(*k*) prescribing a quorum for meetings of the Provincial Council or the executive committee;

(*l*) prescribing the qualifications of persons who are eligible to be elected to and remain a member of the Provincial Council or the executive committee;

(*m*) providing for the appointment of persons to complete the term of office of any member of the Provincial Council or the executive committee who dies, resigns or is unable to act;

(*n*) providing for the holding of meetings of the Provincial Council or the executive committee and prescribing the notices to be given for such meetings and the persons to whom such notices shall be sent;

(*o*) prescribing the persons or classes of persons who shall be notified in writing of a convention;

(*p*) requiring a commodity board to pay to the Organization such amounts of the licence fees and service charges collected by the board as the by-law requires;

(*q*) delegating to the executive committee any of its powers and duties except in respect of the matters referred to in clauses *d*, *e*, *f*, *g*, *h*, *k*, *l*, *n*, *o* and *p*.

Confirmation of by-laws

(2) A by-law passed under subsection 1 and a repeal, amendment or re-enactment thereof, is effective only until the next annual convention, or a special convention held prior thereto to deal with the by-law, unless confirmed by a majority vote of the delegates thereto and, in default of such confirmation, ceases to have effect at and from that time, and, in that case, no new by-law of the same or like substance has any effect until confirmed at an annual convention by a majority vote of the delegates thereto.

Confirmation, rejection, etc., of by-laws

(3) The delegates may, at a convention mentioned in subsection 2, confirm, amend, reject or otherwise deal with any by-law passed by the Provincial Council and submitted to the convention for confirmation, but no act done or right acquired under any such by-law shall be prejudicially affected by any such rejection, amendment or other dealing.

Annual convention

10.—(1) The Organization shall hold an annual convention at a time and place prescribed by its by-laws.

Delegates and alternate delegates

(2) The delegates and alternate delegates to an annual or a special convention shall be members of the Organization elected or appointed in the manner prescribed by the by-laws of the Organization.

Eligibility for election or appointment

(3) No person who is elected or appointed by any person or body of persons as a delegate to an annual or a special convention is eligible to be elected or appointed by any other person or body of persons as a delegate to that convention.

Entitlement to vote

(4) No alternate delegate is entitled to vote at an annual or a special convention except in the place of a delegate who is absent or unable to act.

Delegates to first annual convention

(5) For the purposes only of the first annual convention of the Organization, each county, provisional county and territorial district constitutes a local area and the farmers in each such local area shall elect from among themselves three delegates for the first 1,500 farmers or part thereof in the local area and an additional three delegates for each 1,000 farmers or part thereof in excess of 1,500 farmers in the local area, and one of every three such delegates shall become a member of the interim Provincial Council in the manner provided by by-law.

Determination of numbers of delegates

(6) For the purpose of determining the number of delegates from each local area under subsection 5, the number of farmers in the local area shall be the number of operators of census-farms in the county, provisional county or territorial district as shown in Table 14 of the 1966 Census of Canada-Agriculture - Ontario, published by the Dominion Bureau of Statistics (Canada).

Regional Area deemed to be county

(7) The Regional Area of The Regional Municipality of Ottawa-Carleton shall be deemed to be a county for the purposes of this section.

Idem

(8) Where a county is hereafter dissolved and becomes part of the regional area of a regional municipality, such county shall be deemed to remain a county for the purposes of this section.

Chairman, etc., of Provincial Council

11. The president, first vice-president and second vice-president of the Organization shall be *ex officio* members of the Provincial Council and, respectively, shall be chairman, vice-chairman and second vice-chairman thereof.

Annual report

12. At each annual convention of the Organization the Provincial Council shall present a full report of its proceedings and of the proceedings of the Organization and a statement of the receipts and expenditures for the previous year and of the assets and liabilities of the Organization prepared and certified by a public accountant licensed under *The Public Accountancy Act*.

R.S.O. 1960, c. 137

Notice of convention

13. The Provincial Council shall notify in writing such persons or classes of persons as the by-laws of the Organization prescribe of the time and place of a convention at least two months prior to the date thereof.

14.

Power to hold land

14. The Organization has power to acquire by purchase, lease or otherwise and to hold any land or any interest therein necessary for its actual use or occupation or for carrying on its undertaking and, when no longer necessary therefor, to sell, alienate or convey it.

Amounts payable to Organization

15.—(1) Every association and commodity board shall pay to the Organization such amounts of the licence fees and service charges collected or received by it as the Organization by by-law requires.

Idem

(2) An association or a commodity board shall make a payment to the Organization under subsection 1 not later than the last day of the month next following the month in which the association or commodity board received the money from which the payment is to be made.

Rebate

(3) The Provincial Council may authorize the payment to an association of a rebate of any part of the moneys paid by the association to the Organization under subsection 1.

Confirmation of by-law

(4) Notwithstanding section 9, no by-law referred to in subsection 1 comes into force until confirmed by a majority vote of the delegates at an annual or a special convention of the Organization.

Fees, charges may exceed limit imposed

(5) Where an association or a commodity board fixes, imposes, collects or receives licence fees or service charges, such fees or charges may exceed any limits imposed by any other Act or any regulation thereunder by an amount not exceeding the amount that is required to provide for a payment to the Organization under subsection 1.

Limit on amount payable

(6) An association or a commodity board is not required to pay to the Organization any portion of its licence fees or service charges in excess of an amount equal to two-tenths of a cent for every dollar of the total sale price of the product in respect of which the association or the commodity board fixed, imposed, collected or received licence fees or service charges.

Notice to producers

(7) Every association and commodity board shall notify every producer who pays licence fees or service charges to it of the *pro rata* amount of such licence fees or service charges attributable to the payments made by the association or commodity board to the Organization.

Idem

(8) The notice referred to in subsection 7 shall be given at least once in every year,

(*a*) by notice in writing mailed to the producer at his last known place of address; or

(*b*) by publication thereof in a newspaper, magazine or other periodical having general circulation among the producers who pay the licence fees or service charges.

Opinion poll

16.—(1) An opinion poll by secret ballot, for the purpose of obtaining an expression of opinion from the farmers in Ontario respecting the matters referred to in subsection 2,

(*a*) may be provided for by the Lieutenant Governor in Council at any time; and

(*b*) shall be provided for by the Lieutenant Governor in Council upon receipt of a petition requesting the opinion poll where, in the opinion of the Lieutenant Governor in Council, the number of farmers signing the petition is not less than fifteen one-hundredths of the number of farms in Ontario as shown in the most recent census conducted under the *Statistics Act* (Canada).

1952-53, c. 18 (Can.)

Idem

(2) The matters respecting which an opinion poll by secret ballot may be provided for are,

(*a*) the dissolution of the Organization;

(*b*) the by-laws, powers and duties of the Organization; and

(*c*) the powers and duties of any constituent part of the Organization or of the members, officers, directors, servants or agents of the Organization.

Exception

(3) Clause *b* of subsection 1 does not apply where the petition is received within two years of the receipt of any previous petition submitted under the said clause *b* or under subsection 1 of section 2.

Revocation of by-law, etc.

(4) Where an opinion poll by secret ballot has been taken under this Act, the Lieutenant Governor in Council,

(*a*) may revoke any by-law of the Organization whether made before or after the opinion poll was taken where, in his opinion, at least 60 per cent of the farmers who voted in the opinion poll are in favour of revoking such by-law;

(*b*) where, in his opinion, at least 60 per cent of the farmers who voted in the opinion poll are in favour of the dissolution of the Organization, may, notwithstanding any other Act, make regulations providing for,

(i) the carrying out by a trustee of any or all of the powers of the Organization,

(ii) the vesting of the assets of the Organization in a trustee, and

(iii) the disposing of any or all of the assets of the Organization in such manner as is prescribed.

R.S.O. 1960, c. 349 not to apply

17. *The Regulations Act* does not apply to any by-law passed under this Part, to any opinion poll taken under section 16 or to any order of the Lieutenant Governor in Council respecting such opinion poll.

Members deemed to be directors, etc.

18. In the exercise of the powers of the Organization under this or any other Act, the members of the Provincial Council shall be deemed to be the directors, and the delegates to a convention the shareholders thereof.

Commencement

19.—(1) This Act, except sections 3 to 18, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 3 to 18 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

20. This Act may be cited as *The General Farm Organization Act* (*Ontario*), *1968-69*.

CHAPTER

CHAPTER 43

An Act respecting Health Services Insurance

Assented to June 27th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Board" means the Health Insurance Registration Board established under *The Health Insurance Registration Board Act, 1967*; 1967, c. 100

(*b*) "Council" means the Health Services Insurance Council;

(*c*) "dependant" means a dependant of an insured person, as defined in the regulations;

(*d*) "designated agent" means an agent designated by the regulations and authorized to discharge certain functions and responsibilities under an agreement made under section 5;

(*e*) "Director" means the Executive Director of the Health Services Insurance Division of the Department of Health;

(*f*) "insured health services" means all services rendered by physicians that are medically required, and such other health services as are rendered by such practitioners and under such conditions and limitations as are prescribed by the regulations, but not including services that a person is eligible for and entitled to under the *Hospital Insurance and Diagnostic Services Act* (Canada) or under any other Act of the Parliament of Canada except the *Medical Care Act* (Canada) or under *The Workmen's Compensation Act*; R.S.C. 1952, c. 28 1966, c. 64 (Can.) R.S.O. 1960, c. 437

(*g*) "insured person" means a person who is entitled to insured services under this Act and the regulations;

(*h*)

(*h*) "Minister" means the Minister of Health;

(*i*) "physician" means a legally qualified medical practitioner lawfully entitled to practise medicine in the place in which such practice is carried on by him;

(*j*) "Plan" means the Health Services Insurance Plan established under section 3;

(*k*) "practitioner" means a person other than a physician who is lawfully entitled to render insured health services in the place where they are rendered;

(*l*) "Registrar" means the Registrar of the Health Insurance Registration Board;

(*m*) "regulations" means the regulations made under this Act;

(*n*) "resident" means a person lawfully entitled to be or remain in Canada, who makes his home and is ordinarily present in Ontario, but does not include a tourist, transient or visitor to Ontario, or a member of the Canadian Forces, or a member of the Royal Canadian Mounted Police Force, or a person serving a term of imprisonment in a penitentiary as defined in the *Penitentiary Act* (Canada).

R.S.C. 1952, c. 206

Provincial authority for purposes of 1966, c. 64 (Can.)

2. The Minister is responsible in respect of the administration and operation of the Plan and is the provincial authority for Ontario for the purposes of the *Medical Care Act* (Canada).

Health Services Insurance Plan established

3.—(1) The Health Services Insurance Plan is established for the purpose of providing for insurance of the costs of insured health services and such other services on a non-profit basis on uniform terms and conditions available to all residents of Ontario, in accordance with this Act, and providing other health benefits related thereto.

Audit of Plan

(2) The accounts and financial transactions of the Plan shall be audited annually by the Provincial Auditor.

Functions of H.I.R.B.

4.—(1) It is the function of the Board and it has power,

(*a*) to determine eligibility and collect premiums for health services insurance as established under this Act and perform all functions necessary for the purpose; and

(*b*) perform such other duties as are assigned by this Act and the regulations.

(2) The Director shall approve and assess claims for insured health services and determine the amounts to be paid and authorize the payment thereof, and shall perform such other duties as are assigned to him by this Act or the regulations. Determination of claims

5. The Minister may enter into an agreement with any person to designate such person as an agent, Agents

(*a*) to determine eligibility for health services insurance and to enrol subscribers;

(*b*) to collect premiums for health services insurance;

(*c*) to pay individual claims for insured health services which have been approved and assessed by the Director in the amounts determined by him; and

(*d*) to perform such other ancillary and incidental functions as are necessary for the administration of the Plan not inconsistent with this Act or the *Medical Care Act* (Canada), 1966, c. 64 (Can.)

or any of them.

6.—(1) Every person who is a resident of Ontario is entitled to become an insured person upon application therefor to the Board or a designated agent in accordance with this Act and the regulations. Right to insurance

(2) Every dependant of a person who is an insured person as a member of a mandatory group or collector's group or as a pay-direct participant is an insured person. Dependants

7.—(1) Every insured person is entitled to payment to himself or on his behalf of the amount prescribed under this Act for the cost of insured health services provided by a physician or practitioner on or after the 1st day of October, 1969 and during the period in respect of which his premium is paid, other than insured health services for which the cost is payable under *The Hospital Services Commission Act* or would be payable if the insured person were an insured person under that Act. Payment for insured health services R.S.O. 1960, c. 176

(2) Where a person becomes an insured person, he is entitled to payment for insured health services commencing on the first day of the third month after his eligibility is confirmed by the Registrar or a designated agent, provided that the first premium therefor is paid before that day. Commencement of services

(3)

Exception

(3) The waiting period referred to in subsection 2 does not apply to a person who is entitled to become an insured person and who applies therefor before the 1st day of October, 1969.

Transfer of OMSIP subscribers 1965, c. 70

8.—(1) Every person who is a covered person under *The Medical Services Insurance Act, 1965* immediately before this Act comes into force shall be deemed to be an insured person under this Act until the expiration of the period for which his premium is paid under that Act.

Transfer of private insurance subscribers

(2) Every person who is eligible to become an insured person under this Act and who is insured for medical services,

R.S.O. 1960, c. 190

(*a*) under a plan of an insurer licensed under *The Insurance Act*; or

R.S.O. 1960, c. 304

(*b*) under a plan of an association registered under *The Prepaid Hospital and Medical Services Act*,

immediately before this Act comes into force shall be deemed to be an insured person under this Act and entitled to payment for insured health services received on or after the 1st day of October, 1969.

Private coverage during initial waiting period

(3) The waiting period referred to in subsection 2 of section 7 does not apply to a person referred to in subsection 1 or 2.

Enrolment of immigrants R.S.C. 1952, c. 325

(4) Every person who is an immigrant as defined in the *Immigration Act* (Canada) for permanent residence in Ontario and applies to become an insured person within three months of his arrival is entitled to payment of the costs of insured health services from the date he becomes an insured person.

Mandatory group

9.—(1) The employees of an employer are a mandatory group if the number of employees who are residents of Ontario, including the employer if he is an individual or a member of a partnership, totals fifteen or more.

Voluntary creation of mandatory group

(2) Where the employees of an employer who are residents of Ontario, including the employer if he is an individual or a member of a partnership, total more than five but fewer than fifteen, the Board or designated agent shall upon application therefor designate the group as a mandatory group.

Coverage

(3) Every person who is a member of a mandatory group shall be an insured person in accordance with this Act and the regulations.

Deductions by employer

10.—(1) The employer shall deduct from the remuneration of each employee in his mandatory group the premiums required under this Act or such part as is agreed upon by the employer and his employee, but each member of the group is primarily liable to pay the premium.

Agreements for employer's contribution

(2) Nothing in this Act shall be construed to affect any agreement or arrangement for contribution by an employer of all or any of the premiums payable for insurance in respect of his employees and any obligation of the employer thereunder to pay all or any part of the premium for insured health services continues in respect of the payment of the premium for insured health services under this Act.

Where cost of insurance is reduced

(3) Where the amount required to be paid under an agreement referred to in subsection 2 by the employer as premium for insured health services, or the part of such amount that is referrable to insured health services, is greater than the amount the employer is, by virtue of subsection 2, required to pay in respect of the premium under this Act, the employer shall, until the agreement is terminated, pay the amount of the excess to or for the benefit of the employees and section 34 of *The Labour Relations Act* applies to differences arising in the application of this subsection in the same manner as to differences arising from the interpretation, application, administration or alleged violation of a collective agreement. R.S.O. 1960 c. 202

Effect of deduction by employer

(4) The deduction by an employer from the remuneration of an employee in his mandatory group of the premium required under this Act shall discharge the primary liability of that employee to pay the premium so deducted.

No service charge

(5) No person shall make any charge for acting in his capacity as the employer of a mandatory group.

Collector's groups

11.—(1) Upon the application of an organization having five or more members who are residents of Ontario and wish to apply for health services insurance, the Board or a designated agent shall designate the organization a collector's group and a member of the group nominated by the group and approved by the Board shall be the collector.

Liability to pay premium

(2) Each member of the group is primarily liable to pay the premium.

No service charge

(3) No person shall make any charge for acting in his capacity as a collector.

Government of Canada groups

(4) The Board may, at the request of the Government of Canada, designate as a collector's group any group for whom and on whose behalf the Government of Canada undertakes to remit the premiums and information in the prescribed form.

Premiums for remittance in trust

12. Every person who receives, retains or withholds any amount for the purpose of paying a premium on behalf of an insured person shall be deemed to have received and to be holding the amount in trust for the Treasurer of Ontario and all accounts of such premium amounts shall be kept separate and apart from his own money.

Amount of premiums

13. The premium for health services insurance for a single insured person or an insured person and one dependant or an insured person and two or more dependants shall be such amounts as are prescribed by the regulations.

Remission of premiums

14. All premiums for health services insurance shall be remitted to the Registrar or a designated agent and shall be made payable to the Treasurer of Ontario.

Choice of physician or practitioner

15. This Act shall not be administered or construed to affect the right of an insured person to choose his own physician or practitioner, and does not impose any obligation upon any physician or practitioner to treat an insured person.

Change of residence to another participating province

16. An insured person who becomes a resident of another province is entitled to remain insured and to payment for insured health services rendered to him,

1966, c. 64 (Can.)

(*a*) where he becomes a resident of a participating province under the *Medical Care Act* (Canada), until his coverage under the medical care insurance plan of that province takes effect or until the expiration of a period of four months, whichever occurs first; and

(*b*) where he becomes a resident of a non-participating province, or any other jurisdiction, until the expiration of a period of four months,

on the same basis as though he had not ceased to be a resident of Ontario.

Premium assistance

17. The Board may grant assistance in the payment of premiums for such persons and in such amounts as are determined in accordance with the regulations.

Application for temporary assistance

18.—(1) Any insured person who is unable to continue payment of his premiums due to unemployment, illness, disability or financial hardship may, within the first thirty days of his default, apply to the Board for assistance in continuing his entitlement to insured services.

Granting temporary assistance

(2) The Board may direct that an applicant under subsection 1 be relieved of the payment of the whole or any part of his premium during his unemployment, illness, disability or financial hardship.

Payment for insured health services

19.—(1) Subject to subsection 2 of section 21, payment for insured health services rendered by a physician shall be for 90 per cent of the schedule of fees of the Ontario Medical Association in effect on the day this Act comes into force, including any minor amendment thereto in respect of any ancillary or incidental matter or in respect of a new procedure.

Idem

(2) Payment for insured health services rendered by a physician outside Ontario shall be in the amount actually billed by the physician or the amount provided for in subsection 1, whichever is the lesser.

Idem

(3) Payment for insured health services rendered by a practitioner, whether within or outside Ontario, shall be in an amount prescribed by the regulations.

Commutation of fees

20. The Minister may enter into arrangements for the payment of remuneration to physicians or practitioners rendering insured health services to insured persons on a basis other than fee for service.

Revision of O.M.A. schedule of fees

21.—(1) At least six months before any revision of the schedule of fees of the Ontario Medical Association, the Ontario Medical Association shall notify the Minister of the proposed revision and the Minister shall implement discussions with representatives of the Ontario Medical Association respecting the extent of any proposed change in the schedule of fees.

Prescribing new schedule by regulation

(2) Where the revised schedule of fees results in an increase in the costs of insured health services under the Plan, the Lieutenant Governor in Council may, notwithstanding subsection 1 of section 19, establish by regulation the schedule of payment that shall be made for insured health services rendered by physicians.

Idem

(3) No schedule of payments shall be prescribed by regulation under this section that disqualifies the Plan for contribution by the Government of Canada under the *Medical Care Act* (Canada). 1966, c. 64 (Can.)

Charges more than payable under Plan

22.—(1) Where the physician or the practitioner intends to charge an insured person an amount more than is payable for the insured health service under the Plan, he shall so advise the patient prior to rendering the service.

Particulars of account

(2) Every physician and practitioner who performs an insured health service for an insured person shall provide the insured person, or designated agent or the Director, with the particulars of his services and account that are required by this Act and the regulations for the purpose of payment of the claim.

Information authorized

(3) Every insured person shall be deemed to have authorized his physician or practitioner who performed insured health services to provide the Director with such information respecting the insured health services performed as the Director requires for the purposes of the Plan.

Information confidential

23.—(1) Each member of the Board and of the Council and each person employed in the administration of this Act including each employee of a designated agent shall preserve secrecy with respect to all matters that come to his knowledge in the course of his employment and that pertain to insured health services rendered and payments made therefor, and shall not communicate any such matters to any other person except as otherwise provided in this section.

Exceptions re administration, etc.

(2) A person referred to in subsection 1 may furnish information pertaining to the date on which an insured health service was provided, the name and address of the person who provided the service, the amounts paid under the Plan for the service and the person to whom they were paid, but such information may be furnished only,

1966, c. 64 (Can.)

(*a*) in connection with the administration of this Act and the regulations or the *Medical Care Act* (Canada); or

(*b*) in proceedings under this Act or the regulations; or

(*c*) to the person who provided the service, his solicitor or personal representative, the committee of his estate, his trustee in bankruptcy or other legal representative; or

(*d*) to the person who received the services, his solicitor, personal representative or guardian, the committee or guardian of his estate or other legal representative of that person.

Exception for statistical purposes

(3) Information referred to in subsection 1 may, with the approval of the Minister, be published by the Department of Health in statistical form if the individual names of persons are not thereby revealed.

(4) With the consent of the Director, information of the kind referred to in subsection 2 and any other information pertaining to the nature of the insured health services provided and any diagnosis given by a person who provided the service may be disclosed or communicated to the statutory body governing the profession or a professional association of which he is a member if an officer of that body or association makes a written request therefor and states that the information is required for the purposes of investigating a complaint against one of its members or for use in disciplinary proceedings involving that member. Exception for professional discipline

(5) No person engaged in the administration of this Act shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the discharge of his duties, except in a proceeding under or authorized by this Act. Evidence

24. No action lies against a person providing insured health services or a member of his staff in respect of the furnishing to the Plan of information relating to insured health services provided by him. Information provided to Plan

25.—(1) On the 1st day of October, 1969, every contract of insurance for the payment of all or any part of the cost of insured health services performed in Ontario and received by any person eligible to become an insured person under this Act is void and of no effect in so far as it makes provision for insuring against such costs and no person shall enter into or renew such a contract except under this Act. Other health services insurance prohibited

(2) Subsection 1 does not apply to a contract of insurance entered into by a resident whose principal employment is in the United States of America and who is entitled to enter into the contract by virtue of his employment. Exceptions

26.—(1) There shall be a Health Services Insurance Council, consisting of not fewer than nine members who shall be appointed by the Lieutenant Governor in Council and of whom a majority are representatives of the public, two are representatives of the medical profession nominated by the Ontario Medical Association and two are representatives of the designated agents. Health Services Insurance Council

(2) The Lieutenant Governor in Council shall designate one of the members of the Council who are representatives of the public as chairman, and in the case of a tie vote, the chairman shall have an additional vote. Chairman

Vacancies

(3) The Lieutenant Governor in Council may fill any vacancies that occur in the membership of the Council having regard to the balance of representation provided in subsection 1.

Quorum

(4) A majority of the members of the Council constitutes a quorum.

Functions

27.—(1) The functions of the Council are,

(*a*) to receive and investigate complaints in respect of the operation of the Plan;

(*b*) to advise and make recommendations to the Minister in respect of the operation of the Plan;

(*c*) on the direction of the Minister, to conduct the discussions with the Ontario Medical Association referred to in subsection 1 of section 21 and report and make recommendations to the Minister in respect thereof;

(*d*) advise and make recommendations to the Minister respecting the premium rate; and

(*e*) perform any other function given it by the Minister or by any Act or regulation.

Requiring information

(2) For the purposes of clause *a* of subsection 1, the Council may require any designated agent or the Board or the Director to furnish the Council with such information respecting the matter complained of as the Council requires.

Committees

28. The Director may refer any claim or claims to a committee established under clause *k* of section 32 for the purpose of assessing claims and the amounts thereof with particular reference to possible misuse or abuse of the Plan, and the committee shall report its conclusions and recommendations to the Director.

Offence, receiving payment by fraud

29. Every person who,

(*a*) obtains payment under this Act or the regulations for insured health services for himself or for his benefit; or

(*b*) aids or abets any other person in obtaining payment under this Act or the regulations for insured health services for such other person or for his benefit,

knowing

knowing that he or such other person is not entitled to the payment, is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than six months, or to both.

Offence, failure to remit premiums

30.—(1) Subject to subsection 2, an employer, collector or designated agent who fails to remit the premiums required to be remitted under this Act is guilty of an offence and on summary conviction is liable to a fine of not less than $2,000.

Order to pay premiums

(2) Where an employer, collector or designated agent is convicted of an offence under subsection 1, the provincial judge shall determine the amount of the premiums the employer failed to remit and shall make an order requiring the person convicted to pay the amount so determined to the Registrar.

Liability of officers and directors

(3) Every director or officer of a corporation who knowingly concurs in a failure to remit the premiums required to be remitted by the corporation under this Act is liable, jointly and severally with every other such officer and director, to make payment ordered to be made under subsection 2.

Liability of directors on winding up

31. Where an employer, collector or designated agent that is a corporation fails to remit the premiums required to be remitted under this Act, and

(*a*) goes into liquidation;

(*b*) is ordered to be wound up;

(*c*) makes an authorized assignment under the *Bankruptcy Act* (Canada); or R.S.C. 1952, c. 14

(*d*) has a receiving order under the *Bankruptcy Act* (Canada) made against it,

the directors thereof are jointly and severally liable for the payment of the amount of the premiums in default.

Regulations

32. The Lieutenant Governor in Council may make regulations,

(*a*) providing for the enrolment of persons as insured persons;

(*b*) prescribing who are dependants of insured persons for the purposes of this Act;

(*c*) prescribing the persons who shall be deemed employees for the purposes of sections 9 and 10 and the employees who shall be members of a mandatory group;

(*d*) governing the collection, accounting for and remission of premiums by employers of mandatory groups and by collectors and requiring employers and collectors to furnish such information and returns as is prescribed;

(*e*) prescribing the amounts of premium payable for a single insured person, an insured person and one dependant and an insured person and two or more dependants and governing the time and manner of payment;

(*f*) prescribing the qualifications for assistance in the payment of premiums and for determining the amount thereof;

(*g*) specifying what services other than medical services are insured health services for the purposes of the Plan, and prescribing what practitioners may render such services and under what conditions such services are insured health services, and prescribing the amount of payment for such insured health services;

(*h*) prescribing services that shall be deemed not to be insured health services for the purposes of this Act and the conditions under which the costs of any class of insured health services are payable and limiting the payment commensurate with the circumstances of the performance of the services;

(*i*) providing for the making of claims for payment of the cost of insured health services and prescribing the information that shall be furnished in connection therewith;

(*j*) designating persons with whom agreements under section 5 have been entered into;

(*k*) establishing committees for the purpose of section 28;

(*l*) prescribing additional duties of the Council, Director, Board or Registrar;

(*m*) providing for payment to the Treasurer of Ontario by insurers of the amounts of claims in respect of the cost of insured health services that would otherwise be payable to insured persons;

(*n*) subrogating the Health Services Insurance Division to any rights of recovery by an insured person in respect of payments for insured health services paid

by

by the Division and providing the terms and conditions under which an action to enforce such rights may be begun, conducted and settled;

(*o*) specifying categories of persons to whom the waiting period referred to in subsection 2 of section 7 does not apply;

(*p*) establishing programs for the other health benefits referred to in subsection 1 of section 3 and prescribing the terms and conditions of such programs;

(*q*) prescribing forms for the purposes of this Act and providing for their use.

Report to Assembly

33. The Minister shall make a report annually to the Lieutenant Governor in Council upon the affairs of the Plan and every such report shall contain the report of the Provincial Auditor under section 3, which shall include his certificate as to whether the accounts and financial transactions of the Plan including those of designated agents meet the requirements of this Act, and the Minister shall lay the report before the Assembly if it is in session, or if not, at the next ensuing session.

Moneys

34. The expenditures necessary for the purposes of the Plan shall, until the 31st day of March, 1970, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

1965, c. 70
1966, c. 86
1967, c. 50
1968, c. 70
1968-69, c. 66, repealed

35. *The Medical Services Insurance Act, 1965*, *The Medical Services Insurance Amendment Act, 1966*, *The Medical Services Insurance Amendment Act, 1967*, *The Medical Services Insurance Amendment Act, 1968* and *The Medical Services Insurance Amendment Act, 1968-69* are repealed.

Commencement

36.—(1) This Act, except section 35, comes into force on the day it receives Royal Assent.

Idem

(2) Section 35 comes into force on the 1st day of October, 1969.

Short title

37. This Act may be cited as *The Health Services Insurance Act, 1968-69*.

CHAPTER 44

An Act to amend The Highway Improvement Act

Assented to December 17th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 83 of *The Highway Improvement Act* is amended by striking out clauses *a* and *b* and inserting in lieu thereof "50 per cent", so that the subsection shall read as follows: R.S.O. 1960, c. 171, s. 83, subs. 2, amended

(2) Upon the receipt of the statement, declarations and petition, the Minister may direct payment to the treasurer of the municipality out of the moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final. Payment of subsidy

2.—(1) Clause *b* of subsection 1 of section 91*a* of *The Highway Improvement Act*, as re-enacted by section 6 of *The Highway Improvement Amendment Act, 1967*, is amended by striking out "and" at the end of subclause i and by adding thereto the following subclauses: R.S.O. 1960, c. 171, s. 91*a*, subs. 1, cl. *b* (1967, c. 34, s. 6), amended

(iii) the extension of the Yonge Street Subway from Sheppard Avenue to Finch Avenue, and

(iv) the Spadina Expressway rapid transit facilities.

(2) Subsection 5 of the said section 91*a*, as enacted by section 17 of *The Highway Improvement Amendment Act, 1962-63*, is amended by striking out "33⅓" in the sixth line and inserting in lieu thereof "50", so that the subsection shall read as follows: R.S.O. 1960, c. 171, s. 91*a*, (1962-63, c. 55, s. 17), subs. 5, amended

(5) Upon receipt of the statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct Power to make grant

payment

payment to the treasurer of the Metropolitan Corporation out of the moneys appropriated therefor by the Legislature of an amount not exceeding 50 per cent of the expenditure, and in all cases of doubt or dispute the decision of the Minister is final.

Application of subs. 2

(3) Subsection 5 of section 91*a* of *The Highway Improvement Act*, as amended by subsection 2, applies only to expenditures in respect of work carried out on or after the 1st day of January, 1970.

Commencement

3. This Act comes into force on the 1st day of January, 1970.

Short title

4. This Act may be cited as *The Highway Improvement Amendment Act, 1968-69*.

CHAPTER 45

An Act to amend The Highway Traffic Act

Assented to, except subsection 4 of section 1 and sections 14 and 15, June 9th, 1969
Subsection 4 of section 1 and sections 14 and 15 Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 172, s. 1, subs. 1, amended

12*a*. "median strip" means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a strip of pavement of more than ten feet in width, a physical barrier or an unpaved strip of ground.

(2) Paragraph 24*a* of subsection 1 of the said section 1, as enacted by section 1 of *The Highway Traffic Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 1, subs. 1, par. 24*a* (1966, c. 64, s. 1), re-enacted

24*a*. "self-propelled implement of husbandry" means a self-propelled vehicle manufactured, designed, redesigned, converted or reconstructed for a specific use in farming.

(3) Subsection 3 of the said section 1, as enacted by subsection 4 of section 1 of *The Highway Traffic Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 1, subs. 3 (1965, c. 46, s. 1, subs. 4), re-enacted

(3) For the purposes of Part VII and any regulations or municipal by-laws made thereunder, every overpass and underpass shall be deemed to form part of the highway that it connects. Overpass and underpass

(4) The said section 1 is amended by adding thereto the following subsection: R.S.O. 1960, c. 172, s. 1, amended

(4)

References to Criminal Code 1953-54 c. 51 (Can.)

(4) Any reference in this Act to the *Criminal Code* (Canada) or any provision thereof shall be deemed to be a reference to the *Criminal Code* (Canada) or the provision thereof as amended or re-enacted from time to time.

R.S.O. 1960, c. 172, s. 6, subs. 1 (1962-63, c. 56, s. 2), re-enacted

2.—(1) Subsection 1 of section 6 of *The Highway Traffic Act*, as re-enacted by section 2 of *The Highway Traffic Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Registration of motor vehicles

(1) The owner of every motor vehicle, trailer or conversion unit shall register it with the Department before driving or operating it or causing it to be driven or operated upon a highway and shall pay to the Department a fee for the registration of such motor vehicle, trailer or conversion unit and for the number plates therefor.

R.S.O. 1960, c. 172, s. 6, amended

(2) The said section 6 is amended by adding thereto the following subsection:

Self-propelled implement of husbandry

(1*a*) Subsection 1 applies to a self-propelled implement of husbandry that is operated on a highway other than when travelling from farm to farm in relation to the specific use for which it was manufactured, designed, redesigned, converted or reconstructed or in travelling to or from such places as may be necessary for the maintenance or repair of the vehicle.

R.S.O. 1960, c. 172, s. 7, subs. 1, re-enacted

3.—(1) Subsection 1 of section 7 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty for false statement

(1) Every person who knowingly makes any false statement in any application, declaration, affidavit or paper writing required by this Act or by the regulations or by the Department is guilty of an offence and on summary conviction, in addition to any other penalty or punishment to which he may be liable, is liable to a fine of not less than $50 and not more than $200 or to imprisonment for a term of not more than thirty days, or to both, and in addition his licence or permit may be suspended for a period of not more than six months.

R.S.O. 1960, c. 172, s. 7, subs. 2, re-enacted

(2) Subsection 2 of the said section 7 is repealed and the following substituted therefor:

Notice of change of address

(2) Where an owner changes his address as given under subsection 2 of section 6 or under this subsection, he shall within six days send by registered mail or cause to be filed in the Department his change of address.

4. Subsections 2, 4 and 7 of section 8 of *The Highway Traffic Act* are repealed. R.S.O. 1960, c. 172, s. 8, subss. 2, 4, 7, repealed

5. Section 9 of *The Highway Traffic Act*, as amended by section 2 of *The Highway Traffic Amendment Act, 1965* and section 3 of *The Highway Traffic Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 9, re-enacted

Violations as to number plates

9.—(1) Every person who,

(*a*) defaces or alters any number plate furnished by the Department;

(*b*) uses or permits the use of a defaced or altered number plate or a number plate issued by the Department for another motor vehicle, trailer or conversion unit;

(*c*) without the authority of the owner, removes a number plate from a motor vehicle, trailer or conversion unit; or

(*d*) uses or permits the use of any number plate upon a motor vehicle, trailer or conversion unit, except the one issued by the Department for the motor vehicle, trailer or conversion unit,

is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $500 or to imprisonment for not more than thirty days, or to both, and in addition his licence or permit may be suspended for not more than six months.

Notice of purchase of motor vehicle, etc.

(2) Every person shall, within six days, forward to the Department a notice on the prescribed form of the sale or purchase by or to him of a motor vehicle, trailer or conversion unit for which a permit has been issued.

Number plates property of Crown

(3) Every number plate furnished by the Department under this Act is the property of the Crown and shall be returned to the Department when required by the Department.

6.—(1) Subsection 2 of section 10 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 10, subs. 2, repealed

(2) Subsection 4 of the said section 10 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 10, subs. 4, re-enacted

Penalty

(4) Every person who contravenes any of the provisions of subsection 3 is guilty of an offence and on summary conviction is liable to a fine of not less than $5 and not more than $10.

R.S.O. 1960, c. 172, s. 13, subs. 2, repealed

7. Subsection 2 of section 13 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 14, subs. 2, re-enacted; subss. 3, 4, repealed

8. Subsections 2, 3 and 4 of section 14 of *The Highway Traffic Act* are repealed and the following substituted therefor:

Identification on failure to produce licence

(2) Every person who is unable or refuses to produce his licence in accordance with subsection 1 shall, when requested by a constable, give reasonable identification of himself and, for the purposes of this subsection, the correct name and address of such person shall be deemed to be reasonable identification.

R.S.O. 1960, c. 172, s. 15 (1966, c. 64, s. 4), amended

9. Section 15 of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1966* and amended by section 5 of *The Highway Traffic Amendment Act, 1968*, is further amended by adding thereto the following subsection:

Exemption of new residents

(2) Sections 13 and 16 and any regulation made thereunder do not apply to a person for thirty days after he has become a resident of Ontario if during such period he holds a subsisting driver's licence in accordance with the laws of the province, country or state of which he was a resident immediately before becoming a resident of Ontario.

R.S.O. 1960, c. 172, s. 16, subs. 2, repealed

10. Subsection 2 of section 16 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 17, subs. 2, re-enacted; subss. 3, 4, repealed

11. Subsections 2, 3 and 4 of section 17 of *The Highway Traffic Act* are repealed and the following substituted therefor:

Identification on failure to produce licence

(2) Every person who is unable or refuses to produce his licence in accordance with subsection 1 shall, when requested by a constable, give reasonable identification of himself and, for the purposes of this subsection, the correct name and address of such person shall be deemed to be reasonable identification.

R.S.O. 1960, c. 172, s. 18, subs. 4, repealed

12. Subsection 4 of section 18 of *The Highway Traffic Act* is repealed.

13. Subsection 4 of section 19 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 19, subs. 4, repealed

14.—(1) Subsection 1 of section 20 of *The Highway Traffic Act*, as re-enacted by section 2 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out "or section 222" in the fifth line, so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 20, (1960-61, c. 34, s. 2), subs. 1, amended

(1) Subject to section 22, the licence of a person who is convicted of an offence under section 192, 193 or 207 of the *Criminal Code* (Canada) committed by means of a motor vehicle or of an offence under subsection 1 of section 221 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of, Suspension on conviction for criminal negligence, etc.

(*a*) upon the first offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

(*b*) upon any subsequent offence, one year, but where injury to or the death of any person or damage to property occurred in connection with the offence, two years,

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period. 1953-54, c. 51 (Can.)

(2) Subsection 3 of the said section 20, as amended by section 3 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "223" in the second line and inserting in lieu thereof "222, 223 or 224", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 20, (1960-61, c. 34, s. 2), subs. 3, amended

(3) Where a person has been convicted of an offence under subsection 4 of section 221 or section 222, 223 or 224 of the *Criminal Code* (Canada) and also has been convicted of any one of the offences mentioned in subsection 1, the second and each subsequent conviction for any of such offences shall be deemed to be a conviction for a subsequent offence for the purposes of clause *b* of subsection 1. Idem

15. Subsection 1 of section 21 of *The Highway Traffic Act*, as amended by section 3 of *The Highway Traffic Amendment Act, 1960-61* and subsection 1 of section 4 of *The Highway* R.S.O. 1960, c. 172, s. 21, subs. 1, amended

Traffic

Traffic Amendment Act, 1961-62, is further amended by striking out "223" in the third line and inserting in lieu thereof "222, 223 or 224", so that the subsection shall read as follows:

Suspension for dangerous driving, driving while ability impaired, refusing to provide breath sample and driving with over .08 per cent of alcohol in blood

(1) Subject to section 22, the licence of a person who is convicted of an offence under subsection 4 of section 221 or section 222, 223 or 224 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

(*a*) upon the first offence, three months, but where injury to or the death of any person or damage to property occurred in connection with the offence, six months;

(*b*) upon any subsequent offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year,

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

R.S.O. 1960, c. 172, s. 21*a* (1960-61, c. 34, s. 4), amended

16. Section 21*a* of *The Highway Traffic Act*, as enacted by section 4 of *The Highway Traffic Amendment Act, 1960-61* and amended by section 5 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "Notwithstanding section 155" in the first line, so that the section shall read as follows:

Interpretation of "subsequent" for ss. 20, 21, 21*b*

21*a*. Where a penalty is provided in sections 20, 21 and 21*b* for a subsequent offence, the word "subsequent" relates only to offences committed in any five-year period.

R.S.O. 1960, c. 172, s. 23, repealed

17. Section 23 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 26, re-enacted

18. Section 26 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty for operating motor vehicle when permit suspended or cancelled

26. Every person who operates a motor vehicle the permit for which is under suspension or has been cancelled is guilty of an offence and on summary

conviction

conviction is liable to a fine of not less than $100 and not more than $500 or to imprisonment for a term of not more than six months, or to both.

19.—(1) Subsection 3 of section 31 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 31, subs. 3, re-enacted

(3) Every person who stores or deals in motor vehicles or conducts a garage business, parking station, parking lot or used car lot or the wrecking or dismantling of vehicles without a licence is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $50. Fine for conducting business without licence

(2) Subsection 5 of the said section 31 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 31, subs. 5, re-enacted

(5) Every person who obstructs, molests or interferes with any constable or officer in the performance of his duties under subsection 4 is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $200 or to imprisonment for a term of not more than six months, or to both. Penalty for interference with constable

20. Subsection 6 of section 32 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 32, subs. 6, re-enacted

(6) Every person who contravenes any of the provisions of, Penalty

(*a*) subsection 1 or 4 is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $50;

(*b*) subsection 2, 3 or 5 is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $200 or to imprisonment for a term of not more than thirty days, or to both.

21.—(1) Subsection 8 of section 33 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 33, subs. 8, re-enacted

(8) Every person who contravenes subsection 2 or 7 is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $500. Penalty

R.S.O. 1960, c. 172, s. 33, subs. 11, repealed

(2) Subsection 11 of the said section 33 is repealed.

R.S.O. 1960, c. 172, s. 33, subs. 15, re-enacted

(3) Subsection 15 of the said section 33 is repealed and the following substituted therefor:

Penalty

(15) Every person who contravenes subsection 14 is guilty of an offence and on summary conviction is liable to a fine of not more than $5.

R.S.O. 1960, c. 172, s. 33, subs. 23, repealed

(4) Subsection 23 of the said section 33 is repealed.

R.S.O. 1960, c. 172, s. 33, subs. 27, repealed

(5) Subsection 27 of the said section 33 is repealed.

R.S.O. 1960, c. 172, s. 33, amended

(6) The said section 33 is amended by adding thereto the following subsection:

Penalty

(28*a*) Every person who contravenes any of the provisions of subsection 28 is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $500.

R.S.O. 1960, c. 172, s. 35, subs. 6, repealed

22. Subsection 6 of section 35 of *The Highway Traffic Act*, as amended by subsection 2 of section 8 of *The Highway Traffic Amendment Act, 1961-62*, is repealed.

R.S.O. 1960, c. 172, s. 36, amended

23. Section 36 of *The Highway Traffic Act*, as amended by section 5 of *The Highway Traffic Amendment Act, 1960-61*, is further amended by adding thereto the following subsection:

Penalty

(4) Every person who contravenes any of the provisions of this section or any regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $500.

R.S.O. 1960, c. 172, s. 37, subs. 4, repealed

24. Subsection 4 of section 37 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 38, subs. 4, repealed

25. Subsection 4 of section 38 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 38*a* (1967, c. 35, s. 4), amended

26. Section 38*a* of *The Highway Traffic Act*, as re-enacted by section 4 of *The Highway Traffic Amendment Act, 1967*, is amended by adding thereto the following subsection:

Penalty

(3) Every person who contravenes any regulation made under clause *a*, *b* or *c* of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $500.

27. Subsection 4 of section 39 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 39, subs. 4, re-enacted

(4) Every person who contravenes any of the provisions of subsection 2 or 3 is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $500. Penalty

28. Section 40 of *The Highway Traffic Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 172, s. 40, amended

(3) In this section, "motor vehicle" includes any apparatus or device that is permanently or temporarily attached to a motor vehicle, other than for the purpose of towing it, and in which a person can ride. Interpretation

(4) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $500. Penalty

29. Subsection 6 of section 42 of *The Highway Traffic Act*, as re-enacted by section 5 of *The Highway Traffic Amendment Act, 1964*, is repealed. R.S.O. 1960, c. 172, s. 42, subs. 6 (1964, c. 38, s. 5), repealed

30. Subsection 1 of section 42*a* of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1968*, is amended by adding at the end thereof "except when directly crossing a highway", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 42*a* (1968, c. 50, s. 9), subs. 1, amended

(1) Every farm tractor and self-propelled implement of husbandry when operated on a highway or any vehicle towed by either of them, shall have a slow moving vehicle sign attached to the rear thereof in accordance with the regulations, except when directly crossing a highway. Slow moving vehicle signs

31. Subsection 2 of section 43 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 43, subs. 2, re-enacted

(2) Every person who contravenes any of the provisions of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $5. Penalty

32. Subsection 2 of section 45 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 45, subs. 2, repealed

R.S.O. 1960, c. 172, s. 47, subs. 3 (1964, c. 38, s. 6), re-enacted

33. Subsection 3 of section 47 of *The Highway Traffic Act*, as enacted by section 6 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor:

Penalty

(3) Every driver of a motor vehicle who refuses or fails to submit the motor vehicle, together with its equipment and any trailer attached thereto, to such examination and tests as may be required by a constable or officer under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $100.

Notice requiring examination and tests

(3*a*) Subsection 3 does not apply unless the constable or officer under subsection 1 has given to the driver of the motor vehicle a written notice in the form prescribed by the Lieutenant Governor in Council requiring the driver to submit the motor vehicle, together with its equipment and any trailer attached thereto, to examination and tests.

R.S.O. 1960, c. 172, amended

34. *The Highway Traffic Act* is amended by adding thereto the following section:

Regulations re inspection of certain motor vehicles

47*a*. The Lieutenant Governor in Council may make regulations,

(*a*) requiring the owners of commercial motor vehicles, or any type or class thereof, uninsured motor vehicles, and motor vehicles that have been involved in accidents that are reportable under section 143 to submit them to inspection;

(*b*) prescribing the inspection procedures, inspection requirements and performance standards required for such motor vehicles;

(*c*) prohibiting the operation on a highway of motor vehicles that do not comply with such requirements and standards, and providing for the seizure of the registration plates of such motor vehicles and for holding them until the motor vehicle is made to comply with such requirements and standards.

R.S.O. 1960, c. 172, s. 50*a* (1966, c. 64, s. 10), amended

35. Section 50*a* of *The Highway Traffic Act*, as enacted by section 10 of *The Highway Traffic Amendment Act, 1966* and amended by section 11 of *The Highway Traffic Amendment Act, 1968*, is further amended by adding thereto the following subsection:

(3) Every person who contravenes any of the provisions of a regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $500. Penalty

36. Subsection 4 of section 51 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 51, subs. 4, re-enacted

(4) Every person who contravenes any of the provisions of subsection 2*a* is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $500. Penalty

37. Subsection 7 of section 52 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 52, subs. 7, re-enacted

(7) Every person who contravenes any of the provisions of subsection 2, 2*a*, 3 or 4 is guilty of an offence and on summary conviction is liable to a fine of, Penalty

(*a*) 50 cents per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is less than 5,000 pounds;

(*b*) $1 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 5,000 pounds or more but is less than 10,000 pounds;

(*c*) $2 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 10,000 pounds or more but is less than 15,000 pounds;

(*d*) $3 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 15,000 pounds or more but is less than 20,000 pounds;

(*e*) $4 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 20,000 pounds or more but is less than 30,000 pounds;

(*f*) $5 per hundredweight or part thereof of the gross weight in excess of that permitted where the overweight is 30,000 pounds or more.

38.

R.S.O. 1960, c. 172, s. 53, subs. 6, re-enacted

38. Subsection 6 of section 53 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty

(6) Every person to whom a permit has been issued under this section who operates or permits the operation of a vehicle or combination of vehicles contrary to any of the conditions of such permit is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $500 and in addition a fine shall be imposed as if he had also been convicted of an offence under subsection 7 of section 52 in respect of any gross weight in excess of the gross weight permitted under that section as if no special permit had been issued.

R.S.O. 1960, c. 172, s. 54, subs. 6, re-enacted

39. Subsection 6 of section 54 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty

(6) Every person who contravenes any of the provisions of subsection 1, 4 or 5 is guilty of an offence and on summary conviction is liable to a fine as if he had been convicted under subsection 7 of section 52 and in addition, if the conviction is for a contravention under subsection 1, the Registrar may suspend the registration permit of the vehicle or vehicles involved and such suspension shall continue until the vehicle has been reregistered at the maximum gross weight allowable and the additional registration fee has been paid.

R.S.O. 1960, c. 172, s. 55, subs. 2, re-enacted

40.—(1) Subsection 2 of section 55 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty on driver

(2) Every driver who, when so required to proceed to a weighing machine, refuses or fails to do so is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $100.

R.S.O. 1960, c. 172, s. 55, subs. 5, re-enacted

(2) Subsection 5 of the said section 55 is repealed and the following substituted therefor:

Penalty

(5) Every person who contravenes any of the provisions of subsection 3 or 4 is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $100.

R.S.O. 1960, c. 172, s. 56, subs. 3, re-enacted

41. Subsection 3 of section 56 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Penalty

(3) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and

not

not more than $100 and in addition his licence or permit may be suspended for a period of not more than sixty days.

42. Subsection 2 of section 57 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 57, subs. 2, re-enacted

(2) Every person who contravenes any of the provisions of a regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $500 or to imprisonment for a term of not more than three months, or to both. Penalty

43.—(1) Subsection 2*a* of section 58 of *The Highway Traffic Act*, as re-enacted by section 12 of *The Highway Traffic Amendment Act, 1962-63*, is amended by striking out "60" in the sixth line and inserting in lieu thereof "65", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 58, subs. 2*a* (1962-63, c. 56, s. 12), amended

(2*a*) No vehicle, other than a public vehicle or a semi-trailer as defined in clause *b* of subsection 6 of section 55, including load or contents, shall exceed the length of 35 feet, and no combination of vehicles, including load or contents, coupled together shall exceed the total length of 65 feet. Length of vehicle or combination

(2) Subsection 5 of the said section 58 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 58, subs. 5, re-enacted

(5) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $100 and in addition his permit may be suspended for not more than six months. Penalty

44.—(1) Subsection 11*a* of section 59 of *The Highway Traffic Act*, as enacted by subsection 2 of section 9 of *The Highway Traffic Amendment Act, 1967*, is amended by striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Minister", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 59, subs. 11*a* (1967, c. 35, s. 9, subs. 2), amended

(11*a*) The Minister may designate any part of the King's Highway as a construction zone, and every construction zone shall be marked by signs in accordance with the regulations. Construction zones

(2) Subsection 12 of the said section 59 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 59, subs. 12, re-enacted

Penalty

(12) Every person who contravenes any of the provisions of this section or any by-law or regulation made under this section is guilty of an offence and on summary conviction is liable, where the rate of speed at which the motor vehicle was driven,

(*a*) is less than 10 miles per hour over the maximum speed limit, to a fine of $2 for each mile per hour that the motor vehicle was driven over the maximum speed limit;

(*b*) is 10 miles per hour or more but less than 20 miles per hour over the maximum speed limit, to a fine of $3 for each mile per hour that the motor vehicle was driven over the maximum speed limit;

(*c*) is 20 miles per hour or more but less than 30 miles per hour over the maximum speed limit, to a fine of $4 for each mile per hour that the motor vehicle was driven over the maximum speed limit; and

(*d*) is 30 miles per hour or more over the maximum speed limit, to a fine of $5 for each mile per hour that the motor vehicle was driven over the maximum speed limit.

R.S.O. 1960, c. 172, s. 60, re-enacted

45. Section 60 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Careless driving

60. Every person is guilty of the offence of driving carelessly who drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway and on summary conviction is liable to a fine of not less than $100 and not more than $500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence or permit may be suspended for a period of not more than two years.

R.S.O. 1960, c. 172, s. 61, subs. 2, repealed

46. Subsection 2 of section 61 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 62, subs. 2, repealed

47. Subsection 2 of section 62 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 67*a* (1964, c. 38, s. 8), subs. 6, repealed

48. Subsection 6 of section 67*a* of *The Highway Traffic Act*, as enacted by section 8 of *The Highway Traffic Amendment Act, 1964*, is repealed.

49. Clause *b* of section 72 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 72, cl. *b*, re-enacted

(*b*) when approaching within 100 feet of a level railway crossing,

. . . . .

50. Subsection 2 of section 77 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 77, subs. 2, repealed

51. Subsection 1 of section 79 of *The Highway Traffic Act* is amended by adding after "sounding" in the third line "or a lamp located on the roof of the vehicle is producing intermittent flashes of red light", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 79, subs. 1, amended

(1) The driver of a vehicle, upon the approach of an ambulance, fire or police department vehicle or public utility emergency vehicle, upon which a bell or siren is sounding or a lamp located on the roof of the vehicle is producing intermittent flashes of red light, shall immediately bring such vehicle to a standstill as near as is practicable to the right-hand curb or edge of the roadway and parallel therewith and clear of any intersection. Fire department vehicle, etc., approaching

52. Section 85 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 85, repealed

53. Subsection 3 of section 86 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 86, subs. 3, repealed

54. Subsection 2 of section 87 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 87, subs. 2, repealed

55. Subsection 10 of section 89 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 89, subs. 10, re-enacted

(10) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than $5 and not more than $50. Penalty

56. Section 90 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 90, repealed

57. Subsection 2 of section 91 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 91, subs. 2, re-enacted

(2) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than $100 Penalty

and

and not more than $500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence may be suspended for a period of not more than two years.

R.S.O. 1960, c. 172, s. 92, subs. 2, repealed

58. Subsection 2 of section 92 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 93, subs. 2, repealed

59. Subsection 2 of section 93 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 94, subs. 2 (1966, c. 64, s. 17, subs. 2), amended

60. Clause *b* of subsection 2 of section 94 of *The Highway Traffic Act*, as re-enacted by subsection 2 of section 17 of *The Highway Traffic Amendment Act, 1966*, is amended by striking out "separate roadways" in the second line and inserting in lieu thereof "a median strip", so that the clause shall read as follows:

(*b*) when meeting on such a highway, other than a highway with a median strip, a school bus on the front of which two red signal-lights are illuminated with intermittent flashes,

. . . . .

R.S.O. 1960, c. 172, s. 95, subs. 2, repealed

61. Subsection 2 of section 95 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 98, re-enacted

62. Section 98 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Littering highway prohibited

98. Every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway, except in receptacles provided for the purpose, is guilty of the offence of littering the highway.

R.S.O. 1960, c. 172, s. 100, re-enacted

63. Section 100 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Defacing or removing notices or obstructions

100. Every person who wilfully removes, defaces or in any manner interferes with any notice or obstruction lawfully placed on a highway is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $500 or to imprisonment for a term of not more than six months, or to both.

R.S.O. 1960, c. 172, s. 100*a*, subs. 1 (1966, c. 64, s. 19), re-enacted

64. Subsection 1 of section 100*a* of *The Highway Traffic Act*, as re-enacted by section 19 of *The Highway Traffic Amendment Act, 1966*, is repealed and the following substituted therefor:

Regulating or prohibiting use of parts of King's Highway by pedestrians, etc.

(1) The Lieutenant Governor in Council may make regulations prohibiting or regulating the use of any part of the King's Highway by pedestrians or animals or any class or classes of vehicles.

R.S.O. 1960, c. 172, s. 100*c* (1968, c. 50, s. 24), subs. 2, repealed

65. Subsection 2 of section 100*c* of *The Highway Traffic Act*, as enacted by section 24 of *The Highway Traffic Amendment Act, 1968*, is repealed.

R.S.O. 1960, c. 172, Pt. IX (ss. 101-104), repealed

66. Part IX of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, s. 117 (1961-62, c. 52, s. 14), amended

67. Section 117 of *The Highway Traffic Act*, as re-enacted by section 14 of *The Highway Traffic Amendment Act, 1961-62*, is amended by striking out "$35,000" in the fourth line and inserting in lieu thereof "$50,000" and by striking out "$30,000" in the fourth line of clause *a* and inserting in lieu thereof "$45,000", so that the section shall read as follows:

Amounts of financial responsibility

117. Subject to subsection 3 of section 118, every driver and owner to whom this Part applies shall give proof of financial responsibility in an amount of at least $50,000, exclusive of interest and costs, against loss or damage resulting from bodily injury to or the death of one or more persons and loss of or damage to property in any one accident, and, where in any one accident damages result from bodily injury or death and loss of or damage to property,

(*a*) claims arising out of bodily injury or death shall have priority over claims arising out of loss of or damage to property to the amount of $45,000; and

(*b*) claims arising out of loss of or damage to property shall have priority over claims arising out of bodily injury or death to the amount of $5,000,

and, in the case of an owner, such proof shall be given in respect of each motor vehicle registered in his name.

R.S.O. 1960, c. 172, s. 118, subs. 1, cl. *c*, amended

68. Clause *c* of subsection 1 of section 118 of *The Highway Traffic Act*, as amended by section 15 of *The Highway Traffic Amendment Act, 1961-62*, is further amended by striking out "$35,000" in the amendment of 1961-62 and inserting in lieu thereof "$50,000", so that the clause shall read as follows:

money or securities

(*c*) the certificate of the Treasurer that the person named therein has deposited with him a sum of money or securities for money approved by him in

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the amount or value of $50,000 for each motor vehicle registered in the name of such person, and the Treasurer shall accept any such deposits and issue a certificate therefor if such deposit is accompanied by evidence that there are no unsatisfied executions against the depositor registered in the office of the sheriff for the county or district in which the depositor resides.

R.S.O. 1960, c. 172, s. 143, subs. 1, re-enacted

69.—(1) Subsection 1 of section 143 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Duty to report accident

(1) Every person in charge of a motor vehicle who is directly or indirectly involved in an accident shall, if the accident results in personal injuries or in damage to property apparently exceeding $200, report the accident forthwith to the nearest provincial or municipal police officer and furnish him with such information concerning the accident as may be required by the officer under subsection 3.

R.S.O. 1960, c. 172, s. 143, subs. 4, re-enacted; subss. 5, 6, repealed

(2) Subsections 4, 5 and 6 of the said section 143 are repealed and the following substituted therefor:

Report of police officer

(4) The report of a police officer under subsection 3 shall be in such form as is approved by the Minister.

R.S.O. 1960, c. 172, s. 143*a* (1960-61, c. 34, s. 15), subs. 2, re-enacted

70. Subsection 2 of section 143*a* of *The Highway Traffic Act*, as enacted by section 15 of *The Highway Traffic Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Penalty

(2) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence or permit may be suspended for a period of not more than two years.

R.S.O. 1960, c. 172, s. 144, subs. 2, repealed

71. Subsection 2 of section 144 of *The Highway Traffic Act* is repealed.

R.S.O. 1960, c. 172, amended

72. *The Highway Traffic Act* is amended by adding thereto the following section:

Report of optometrist 1961-62, c. 101

145*b*.—(1) Every optometrist registered under *The Optometry Act, 1961-62* shall report to the Registrar the name, address and clinical condition of every person sixteen years of age or over attending upon

the

the optometrist for optometric services who, in the opinion of such optometrist, is suffering from an eye condition that may make it dangerous for such person to operate a motor vehicle.

(2) No action shall be brought against a qualified optometrist for complying with this section. No action for compliance with subs. 1

(3) The report referred to in subsection 1 is privileged for the information of the Registrar only and shall not be open for public inspection, and such report is inadmissible in evidence for any purpose in any trial except to prove compliance with subsection 1. Reports privileged

73. Section 151 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 151, repealed

74. Section 154 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 154, re-enacted

154. Every person who contravenes any of the provisions of this Act or of any regulation is guilty of an offence and on summary conviction, where a penalty for the contravention is not otherwise provided for herein, is liable to a fine of not less than $20 and not more than $100. General penalty

75. Section 155 of *The Highway Traffic Act* is repealed. R.S.O. 1960, c. 172, s. 155, repealed

76. Subsection 2 of section 156 of *The Highway Traffic Act*, as amended by section 16 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 156, subs. 2, re-enacted

(2) Every constable, who, on reasonable and probable grounds, believes that a contravention of any of the provisions of subsection 1 of section 7; clause *a*, *b*, *c* or *d* of subsection 1 of section 9; subsection 1 of section 10; subsection 2 of section 14; subsection 2 of section 17; subsection 2 or 3 of section 25; section 26; section 60, 91 or 100 or clause *a* of section 143*a* has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed such contravention, may arrest such person without warrant whether such person is guilty or not. Arrests by constable without warrant

77. Subsection 1 of section 157 of *The Highway Traffic Act*, as amended by subsection 1 of section 17 of *The Highway Traffic Amendment Act, 1964*, is further amended by striking out "or" at the end of clause *b* and by striking out clause *c*, so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 157, subs. 1, amended

(1)

Impounding motor vehicle

(1) In the event of,

(*a*) a conviction under section 25 or 26 of this Act or section 222 or subsection 3 of section 225 of the *Criminal Code* (Canada); or

1953-54, c. 51 (Can.)

(*b*) a second conviction under subsection 2 of section 221 of the *Criminal Code* (Canada),

the magistrate or judge may order that the motor vehicle driven by or under the care or control of the person convicted at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months, provided the motor vehicle was at such time owned by or registered in the name of such person, or owned by or registered in the name of the husband, wife, parent or dependent child of such person.

Commencement

78.—(1) This Act, except subsection 4 of section 1, subsection 1 of section 2, sections 3 to 8, sections 10 to 16, sections 18 to 29, sections 31 to 42, subsection 2 of section 43, subsection 2 of section 44, sections 45 to 48, sections 50 to 55, sections 57 to 63, section 65, sections 67 to 72 and sections 74 to 77, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 1 of section 2, sections 3 to 8, sections 10 to 13, section 16, sections 18 to 29, sections 31 to 33, sections 35 to 42, subsection 2 of section 43, subsection 2 of section 44, sections 45 to 48, sections 50 to 55, sections 57 to 63, section 65, sections 67 and 68, sections 70 to 72 and sections 74 to 77 come into force on the 1st day of September, 1969.

Idem

(3) Subsection 4 of section 1 and sections 14 and 15 come into force on the 1st day of December, 1969.

Idem

(4) Sections 34 and 69 come into force on the 1st day of January, 1970.

Short title

79. This Act may be cited as *The Highway Traffic Amendment Act, 1968-69*.

CHAPTER 46

An Act to amend The Homemakers and Nurses Services Act

Assented to June 18th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Homemakers and Nurses Services Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 173, s. 1, re-enacted

1. In this Act, Interpretation

(*a*) "band", "council of a band", "member of a band" and "reserve" have the same meaning as in the *Indian Act* (Canada); R.S.C. 1952, c. 149

(*b*) "child" means a person under sixteeen years of age;

(*c*) "Director" means the Director of Homemakers and Nurses Services of the Department of Social and Family Services;

(*d*) "Minister" means the Minister of Social and Family Services;

(*e*) "municipal welfare administrator" means a person appointed as such under this Act;

(*f*) "municipality" means a city, town, village, township or improvement district and, where any municipality forms part of a county for the purpose of administering assistance under *The General Welfare Assistance Act*, means the county and not that municipality; R.S.O. 1960, c. 164

(*g*) "physician" means a legally qualified medical practitioner;

(*h*)

(*h*) "regional welfare administrator" means a person employed as such by the Department of Social and Family Services;

(*i*) "regulations" means the regulations made under this Act;

(*j*) "welfare administrator of a band" means a person appointed as such under this Act.

R.S.O. 1960, c. 173, s. 2, cl. *b*, amended

2. Clause *b* of section 2 of *The Homemakers and Nurses Services Act* is amended by inserting after "administrators" in the second line "welfare administrators of bands", so that the clause shall read as follows:

(*b*) advise regional welfare administrators, municipal welfare administrators, welfare administrators of bands and others as to the manner in which their duties under this Act are to be performed.

R.S.O. 1960, c. 173, s. 3, amended

3. Section 3 of *The Homemakers and Nurses Services Act* is amended by adding thereto the following subsection:

Appointment of welfare administrator of band

(2) The council of a band may, with the approval of the Minister, appoint a member of the band as the welfare administrator of the band for the purposes of this Act.

R.S.O. 1960, c. 173, s. 4, amended

4. Section 4 of *The Homemakers and Nurses Services Act* is amended by striking out "and" in the first line and by inserting after "administrator" in the second line "and every welfare administrator of a band", so that the section shall read as follows:

Power to take affidavits

4. The Director, every regional welfare administrator, every municipal welfare administrator and every welfare administrator of a band is, in the performance of his duties under this Act, a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*.

R.S.O. 1960, c. 59

R.S.O. 1960, c. 173, s. 5, re-enacted

5. Section 5 of *The Homemakers and Nurses Services Act* is repealed and the following substituted therefor:

Local administration

5. A municipality or the council of a band may employ homemakers or nurses, or both, for the purposes of this Act or may enter into an agreement with any person or organization for the furnishing of any services which may be provided under this Act for such persons as may be agreed upon.

6. Section 8 of *The Homemakers and Nurses Services Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 173, s. 8, re-enacted

8. Application for the services of a homemaker or a nurse under this Act shall, where the person applying for the services resides, Application for services

(*a*) in a municipality, be made to the municipal welfare administrator;

(*b*) on the reserve of a band, be made to the welfare administrator of the band; or

(*c*) in territory without municipal organization, be made to the regional welfare administrator of that territory.

7. Subsection 2 of section 9 of *The Homemakers and Nurses Services Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 173, s. 9, subs. 2, re-enacted

(2) Where the person's financial circumstances as determined by the regulations do not permit him to pay in full the fees for such services, they may, with the approval of the regional welfare administrator, be paid in whole or in part by the municipality or council of the band, as the case may be, in which case an amount determined by the regulations shall be reimbursed to the municipality or council of the band by the Province in accordance with the regulations or, where the applicant resides in territory without municipal organization, the services may, with the approval of the regional welfare administrator, be paid for by the Province in accordance with the regulations. Idem

8.—(1) Clause *f* of section 11 of *The Homemakers and Nurses Services Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 173, s. 11, cl. *f*, re-enacted

(*f*) prescribing the manner of computing the amount of reimbursement by the Province to a municipality or the council of a band under section 9.

(2) Clause *h* of the said section 11 is repealed and the following substituted therefor: R.S.O. 1960, c. 173, s. 11, cl. *h*, re-enacted

(*h*) defining "residence", "reside" and similar expressions.

(3) Clause *i* of the said section 11 is amended by inserting after "municipalities" in the second line "and councils of bands", so that the clause shall read as follows: R.S.O. 1960, c. 173, s. 11, cl. *i*, amended

(*i*) prescribing the conditions, terms and manner under which claims may be submitted by municipalities and councils of bands to the Province for reimbursement of moneys under section 9.

R.S.O. 1960, c. 173, s. 11, cl. *l*, amended

(4) Clause *l* of the said section 11 is amended by inserting after "municipalities" in the second line "and councils of bands", so that the clause shall read as follows:

(*l*) providing for and requiring inspection of the records and accounts of municipalities and councils of bands that pertain to cases under this Act to which the Province may contribute to the cost.

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Homemakers and Nurses Services Amendment Act, 1968-69*.

CHAPTER 47

An Act to amend The Homes for Special Care Act, 1964

Assented to May 8th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 7 of *The Homes for Special Care Act, 1964* is amended by inserting after "construction" in the first line "location", so that the clause shall read as follows: 1964, c. 39, s. 7, cl. *a*, amended

(*a*) their construction, location, alteration, equipment, safety, maintenance and repair.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Homes for Special Care Amendment Act, 1968-69*. Short title

CHAPTER 48

An Act to amend The Homes for the Aged and Rest Homes Act

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Homes for the Aged and Rest Homes Act*, as amended by section 2 of *The Homes for the Aged Amendment Act, 1966* and section 1 of *The Homes for the Aged and Rest Homes Amendment Act, 1968*, is further amended by relettering clause *aa* as clause *ab* and by adding thereto the following clauses: R.S.O. 1960, c. 174, s. 1, amended

(*aa*) "Director" means the Director of the Homes for the Aged Branch of the Department of Social and Family Services;

. . . . .

(*ea*) "provincial supervisor" means a regional welfare administrator or a welfare institutions supervisor or a field worker of the Department of Social and Family Services or any other employee of the Department who is designated by the Minister as a provincial supervisor;

(*eb*) "regulations" means the regulations made under this Act.

(2) Clause *d* of the said section 1 is amended by striking out "Public Welfare" and inserting in lieu thereof "Social and Family Services". R.S.O. 1960, c. 174, s. 1, cl. *d*, amended

(3) Clause *f* of the said section 1 is amended by striking out "special-home care" in the first line and inserting in lieu thereof "private-home care". R.S.O. 1960, c. 174, s. 1, cl. *f*, amended

2. *The Homes for the Aged and Rest Homes Act* is amended by adding thereto the following section: R.S.O. 1960, c. 174, amended

Director's function

1*a*.—(1) The Director shall exercise general supervision over the administration of this Act and the regulations and carry out such other duties as are assigned to him by this Act or the regulations.

Absence, etc.

(2) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such employee of the Department of Social and Family Services as the Minister designates.

Delegation of functions

(3) The Director, with the consent in writing of the Deputy Minister of Social and Family Services, may authorize any employee or class of employee of the Department of Social and Family Services to exercise and discharge any of the powers conferred or the duties imposed upon the Director under this Act or the regulations.

R.S.O. 1960, c. 174, s. 15, subs. 1, amended

3.—(1) Subsection 1 of section 15 of *The Homes for the Aged and Rest Homes Act*, as amended by section 10 of *The Homes for the Aged and Rest Homes Amendment Act, 1968*, is further amended by striking out "special-home" in the fourth line and inserting in lieu thereof "private-home", so that the subsection shall read as follows:

Private-home care

(1) Upon the recommendation of the administrator, any resident of a home or joint home or any person admissible to a home or joint home may, in lieu of being maintained in the home or joint home, be placed in private-home care.

R.S.O. 1960, c. 174, s. 15, subs. 2, amended

(2) Subsection 2 of the said section 15 is amended by striking out "special-home" in the first line and inserting in lieu thereof "private-home", so that the subsection shall read as follows:

Province to share cost

(2) Where a person is placed in private-home care, the Treasurer of Ontario shall pay monthly out of the moneys appropriated therefor by the Legislature to the municipality or to the treasurer of the home or joint home, as the case may be, an amount comprising the percentage of the cost thereof prescribed in the regulations, to be computed in the manner prescribed by the regulations.

R.S.O. 1960, c. 174, s. 15, subs. 3, amended

(3) Subsection 3 of the said section 15 is amended by striking out "special-home" in the first line and inserting in lieu thereof "private-home", so that the subsection shall read as follows:

(3) A person placed in private-home care may be transferred to the home or joint home at any time. Transfers

(4) Subsection 4 of the said section 15, as amended by section 3 of *The Homes for the Aged Amendment Act, 1960-61*, is further amended by striking out "special-home" in the first line and in the amendment of 1960-61 and inserting in lieu thereof in each instance "private-home", so that the subsection shall read as follows: R.S.O. 1960, c. 174, s. 15, subs. 4, amended

(4) A person placed in private-home care shall for all other purposes be deemed to be a resident of the home or joint home and section 13 applies *mutatis mutandis* to the placing of a person in private-home care. Person considered a resident of home

4. *The Homes for the Aged and Rest Homes Act* is amended by adding thereto the following section: R.S.O. 1960, c. 174, amended

16. Every home and its books and records shall be open at all reasonable times to inspection by a provincial supervisor. Inspection of records

5. Section 19 of *The Homes for the Aged and Rest Homes Act*, as amended by section 5 of *The Homes for the Aged Amendment Act, 1960-61* and section 13 of *The Homes for the Aged and Rest Homes Amendment Act, 1968*, is further amended by adding thereto the following subsections: R.S.O. 1960, c. 174, s. 19, amended

(7) Subject to subsection 8, the board of management of a home established under section 4 may borrow from time to time by way of a promissory note such sums as the board deems necessary to meet the current expenditures of the board until the current revenue is received. Power of district homes to borrow for current expenditures

(8) The amount that may be borrowed at any one time for the purpose mentioned in subsection 7 together with the total of any similar borrowings that have not been repaid shall not exceed 25 per cent of the estimated current revenue of the board for the year. Maximum borrowings

(9) Until the estimates of the board for the current year under this section have been determined, the limitation upon borrowing prescribed in subsection 8 shall be temporarily calculated upon 25 per cent of the estimates for the board determined for the next preceding year. Idem

6.

R.S.O. 1960, c. 174, s. 26, subs. 1, amended

6.—(1) Subsection 1 of section 26 of *The Homes for the Aged and Rest Homes Act*, as amended by section 6 of *The Homes for the Aged Amendment Act, 1961-62*, section 7 of *The Homes for the Aged Amendment Act, 1966* and section 14 of *The Homes for the Aged and Rest Homes Amendment Act, 1968*, is further amended by adding thereto the following clause:

(*ac*) prescribing additional duties of the Director.

R.S.O. 1960, c. 174, s. 26, subs. 1, cl. *k*, amended

(2) Clause *k* of subsection 1 of the said section 26 is amended by striking out "special-home" in the third line and inserting in lieu thereof "private-home".

R.S.O. 1960, c. 174, s. 26, subs. 1, cl. *l*, amended

(3) Clause *l* of subsection 1 of the said section 26 is amended by striking out "special-home" in the second line and inserting in lieu thereof "private-home".

R.S.O. 1960, c. 174, s. 26, subs. 1, cl. *m*, amended

(4) Clause *m* of subsection 1 of the said section 26 is amended by striking out "special-home" in the second line and inserting in lieu thereof "private-home".

R.S.O. 1960, c. 174, s. 26, subs. 1, cl. *n*, amended

(5) Clause *n* of subsection 1 of the said section 26 is amended by striking out "special-home" in the second line and inserting in lieu thereof "private-home".

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Homes for the Aged and Rest Homes Amendment Act, 1968-69*.

CHAPTER 49

An Act to amend The Hospital Labour Disputes Arbitration Act, 1965

Assented to May 8th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 1 of section 1 of *The Hospital Labour Disputes Arbitration Act, 1965* is amended by inserting after "sanatorium" in the first and second lines "nursing home" and by adding at the end thereof "and includes a home for the aged", so that the clause shall read as follows: 1965, c. 48, s. 1, subs. 1, cl. *a*, amended

(*a*) "hospital" means any hospital, sanatorium, sanatorium, nursing home or other institution operated for the observation, care or treatment of persons afflicted with or suffering from any physical or mental illness, disease or injury or for the observation, care or treatment of convalescent or chronically ill persons, whether or not it is granted aid out of moneys appropriated by the Legislature and whether or not it is operated for private gain, and includes a home for the aged.

(2) The said section 1 is amended by adding thereto the following subsection: 1965, c. 48, s. 1, amended

(3) A central laundry or a central heating plant or a central power plant that is operated exclusively for more than one hospital shall be deemed to be a hospital for the purposes of this Act. Laundries, heating plants and power plants

2. Subsection 3 of section 2 of *The Hospital Labour Disputes Arbitration Act, 1965* is repealed. 1965, c. 48, s. 2, subs. 3, repealed

3.—(1) Subsection 1 of section 4 of *The Hospital Labour Disputes Arbitration Act, 1965* is amended by striking out "thirty-five" in the second line and inserting in lieu thereof "seven", so that the subsection shall read as follows: 1965, c. 48, s. 4, subs. 1, amended

Arbitration

(1) Subject to subsection 2, if the parties have not made a collective agreement within seven days after the day on which the Minister informed the parties or released the report as mentioned in section 3, the matters in dispute between them shall be decided by arbitration in accordance with this Act.

1965, c. 48, s. 4, subs. 2, amended

(2) Subsection 2 of the said section 4 is amended by striking out "thirty-five" in the second line and inserting in lieu thereof "seven" and by striking out "ninety" in the fourth line and inserting in lieu thereof "thirty", so that the subsection shall read as follows:

Extension of 7-day period

(2) The parties by agreement in writing may extend the period of seven days mentioned in subsection 1 for one or more further periods of time, not exceeding a total of thirty days, and thereafter any further extension may be made only with the consent of the Minister.

1965, c. 48, s. 5, subs. 1, amended

4. Subsection 1 of section 5 of *The Hospital Labour Disputes Arbitration Act, 1965* is amended by striking out "thirty-five" in the first line and inserting in lieu thereof "seven", so that the subsection shall read as follows:

Board of arbitration, appointment of members representing parties

(1) Within seven days after the period of seven days mentioned in section 4 and any extension thereof has elapsed, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Hospital Labour Disputes Arbitration Amendment Act, 1968-69.*

CHAPTER 50

An Act to repeal The Hospitals Tax Act

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Hospitals Tax Act*, *The Hospitals Tax Amendment Act, 1961-62* and *The Hospitals Tax Amendment Act, 1964* are repealed. R.S.O. 1960, c. 178; 1961-62, c. 56; 1964, c. 40, repealed

2. This Act comes into force on the 1st day of April, 1969. Commencement

3. This Act may be cited as *The Hospitals Tax Repeal Act, 1968-69*. Short title

CHAPTER 51

An Act to amend The Income Tax Act, 1961-62

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3 of *The Income Tax Act, 1961-62*, as amended by section 1 of *The Income Tax Amendment Act, 1965*, subsection 1 of section 2 of *The Income Tax Amendment Act, 1966*, section 2 of *The Income Tax Amendment Act, 1967* and section 1 of *The Income Tax Amendment Act, 1968*, is further amended by striking out "and" at the end of clause *f* in the amendment of 1968, by adding "and" at the end of clause *g* in the amendment of 1968 and by adding thereto the following clause: 1961-62, c. 60, s. 3, subs. 3, amended

(*h*) 28 per cent in respect of the 1970 taxation year.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Income Tax Amendment Act, 1968-69*. Short title

CHAPTER 52

An Act to amend The Industrial Safety Act, 1964

Assented to June 18th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 17 of *The Industrial Safety Act, 1964* are repealed. 1964, c. 45, s. 17, subss. 2, 3, repealed

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Industrial Safety Amendment Act, 1968-69*. Short title

CHAPTER 53

An Act to amend The Insurance Act

Assented to May 8th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 8 of section 1 of *The Insurance Act* is repealed. R.S.O. 1960, c. 190, s. 1, par. 8, repealed

2. Clause *c* of subsection 4 of section 62 of *The Insurance Act* is amended by striking out "matured" in the second line and inserting in lieu thereof "unmatured", so that the clause shall read as follows: R.S.O. 1960, c. 190, s. 62, subs. 4, cl. *c*, amended

(*c*) the full amount of the legal reserve in respect of each unmatured life insurance contract as set out in the schedule of contract legal reserves,

. . . . .

3. Paragraph 1 of subsection 2 of section 80 of *The Insurance Act*, as re-enacted by section 4 of *The Insurance Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 80, (1962-63, c. 64, s. 4), subs. 2, par. 1, re-enacted

1. The rate of interest assumed shall not exceed the rate prescribed in Schedule D, except that where, upon the application of a company and upon the recommendation of the Superintendent, the Lieutenant Governor in Council is satisfied that a higher rate is appropriate for a particular class of policy issued by the company, the Lieutenant Governor in Council may by order authorize the assumption of such higher rate of interest as the Lieutenant Governor in Council specifies in the order, and the Lieutenant Governor in Council may by order withdraw his authorization at any time and an order of the Lieutenant Governor in Council under this paragraph shall be deemed to be a regulation within the meaning of *The Regulations Act*. R.S.O. 1960, c. 349

R.S.O. 1960, c. 190, s. 97, subs. 3, amended

4. Subsection 3 of section 97 of *The Insurance Act* is amended by striking out "or any promise to pay" in the first and second lines and by striking out "or other promise to pay" in the fourth line, so that the subsection shall read as follows:

Where note or cheque for premium not honoured

(3) Where a cheque, bill of exchange or promissory note is given, whether originally or by way of renewal, for the whole or part of any premium and the cheque, bill of exchange or promissory note is not honoured according to its tenor, the insurer may terminate the contract forthwith by giving written notice by registered mail.

R.S.O. 1960, c. 190, s. 98, amended

5. Section 98 of *The Insurance Act* is amended by adding thereto the following subsection:

Furnishing of forms not an admission

(3) The furnishing by an insurer of forms to make proof of loss shall not be taken to constitute an admission by the insurer that a valid contract is in force or that the loss in question falls within the insurance provided by the contract.

R.S.O. 1960, c. 190, s. 111, stat. cond. 15, re-enacted

6. Statutory condition 15 in section 111 of *The Insurance Act* is repealed and the following substituted therefor:

Notice

15. Any written notice to the insurer may be delivered at, or sent by registered mail to, the chief agency or head office of the insurer in the Province. Written notice may be given to the insured named in the contract by letter personally delivered to him or by registered mail addressed to him at his latest post office address as notified to the insurer. In this condition, the expression "registered" means registered in or outside Canada.

R.S.O. 1960, c. 190, s. 119, subs. 2, re-enacted

7. Subsection 2 of section 119 of *The Insurance Act*, as amended by section 7 of *The Insurance Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Insurance on premium note plan

(2) No licensed insurer shall carry on, on the premium note plan, any class of insurance other than fire, livestock and weather insurance, but a mutual insurance company without guarantee capital stock, incorporated for the purpose of undertaking contracts of fire insurance on the premium note plan, may also insure for the classes of insurance as specified in subsection 13 of section 151 of *The Corporations Act*.

R.S.O. 1960, c. 71

R.S.O. 1960, c. 190, s. 131, amended

8. Section 131 of *The Insurance Act* is amended by adding thereto the following subsection:

Mutual insurance corporations

(4) A mutual insurance corporation without guarantee capital stock incorporated under subsection 3 of section 150 of *The Corporations Act* shall be deemed to be an insurer of the same class under subsection 1 and under subsection 4 of section 132.

9. Section 132 of *The Insurance Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 190, s. 132, amended

(4*a*) No mutual insurance corporation without guarantee capital stock incorporated to transact fire insurance on the premium note plan shall undertake contracts of weather insurance unless all liability for loss in excess of $100 on any risk covered by weather insurance is reinsured with a licensed weather company or a mutual insurance corporation without guarantee capital stock incorporated pursuant to subsection 3 of section 150 of *The Corporations Act*. Reinsurance re weather insurance R.S.O. 1960, c. 71

(4*b*) The reinsurance requirement under subsection 4*a* with respect to weather insurance does not apply to a mutual fire insurance corporation without guarantee capital stock that is restricted by its licence to insuring the plant and stock of millers and grain dealers used in connection with the grain trade, and the dwellings, outbuildings and contents thereof owned by such millers and grain dealers or their employees, against fire and any other class or classes of insurance set out in section 27. Idem

10. Subcondition 8 of statutory condition 4 in section 204 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "independent" in the seventh line and inserting in lieu thereof "independently", so that the subcondition shall read as follows: R.S.O. 1960, c. 190, s. 204 (1966, c. 71, s. 11), stat. cond. 4, subcond. 8, amended

In Case of Disagreement (8) In the event of disagreement as to the nature and extent of the repairs and replacements required, or as to their adequacy, if effected, or as to the amount payable in respect of any loss or damage, those questions shall be determined by appraisal as provided under *The Insurance Act* before there can be recovery under this contract, whether the right to recover on the contract is disputed or not, and independently of all other questions. There shall be no right to an appraisal until a specific demand therefor is made in writing and until after proof of loss has been delivered.

11.—(1) Subsection 1 of section 216 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "$35,000" in the third line and inserting in lieu thereof "$50,000", so that the subsection shall read as follows: R.S.O. 1960, c. 190, s. 216 (1966, c. 71, s. 11), subs. 1, amended

(1) Every contract evidenced by a motor vehicle liability policy insures, in respect of any one accident, to the limit of at least $50,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property. Minimum liability under policy

(2)

R.S.O. 1960, c. 190, s. 216 (1966, c. 71, s. 11), subs. 2, cl. *a*, amended

(2) Clause *a* of subsection 2 of the said section 216 is amended by striking out "$30,000" in the second line and inserting in lieu thereof "$45,000", so that the clause shall read as follows:

(*a*) claims against the insured arising out of bodily injury or death have priority to the extent of $45,000 over claims arising out of loss of or damage to property; and

. . . . .

R.S.O. 1960, c. 190, s. 216 (1966, c. 71, s. 11), subs. 3, amended

(3) Subsection 3 of the said section 216 is amended by striking out "$35,000" in the third line and in the fifth line and inserting in lieu thereof in each instance "$50,000", so that the subsection shall read as follows:

Minimum limits where separate limits designated

(3) The insurer may, instead of specifying a limit in the policy for an inclusive amount, specify a limit of liability of at least $50,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and a limit of liability of at least $50,000, exclusive of interest and costs, against liability for loss of or damage to property.

R.S.O. 1960 c. 190, s. 226*b* (1966, c. 71, s. 11), subs. 2, amended

12. Subsection 2 of section 226*b* of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "by" in the seventh line and by striking out "referred to" in the tenth line and inserting in lieu thereof "of the same type as is specified", so that the subsection shall read as follows:

Release by claimant

(2) Where an insurer makes a payment under a contract of insurance referred to in subsection 1, the payment constitutes, to the extent of such payment, a release by the insured person or his personal representatives of any claim that the insured person or his personal representatives or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may have against the insurer and any other person who may be liable to the insured person or his personal representatives if that other person is insured under a contract of the same type as is specified in subsection 1, but nothing in this subsection precludes an insurer from demanding, as a condition precedent to payment, a release to the extent of the payment from the person insured or his personal representatives or any other person.

R.S.O. 1960, c. 138

13. Subsection 2 of section 226*c* of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "by" in the seventh line, so that the subsection shall read as follows: R.S.O. 1960, c. 190, s. 226*c* (1966, c. 71, s. 11), subs. 2, amended

(2) Where an insurer makes a payment under a contract of insurance to which subsection 1 refers, the payment constitutes, to the extent of such payment, a release by the insured person or his personal representatives of any claim that the insured person or his personal representatives or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may have against the insurer and any other person who may be liable to the insured person or his personal representatives if that other person is insured under a contract of the same type as is specified in subsection 1, but nothing in this subsection precludes an insurer from demanding, as a condition precedent to payment, a release to the extent of the payment from the person insured or his personal representatives or any other person. Release by claimant R.S.O. 1960, c. 138

14. Section 226*e* of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by inserting after "section" in the second line "226*a*", so that the section shall read as follows: R.S.O. 1960, c. 190, s. 226*e* (1966, c. 71 s. 11), amended

226*e*. Any person insured by but not named in a contract to which section 226*a*, 226*b* or 226*c* applies may recover under the contract in the same manner and to the same extent as if named therein as the insured, and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor. Rights of unnamed insured

15. Section 226*j* of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 190, s. 226*j* (1966, c. 71, s. 11), amended

(3) "Rateable proportion" as used in subsection 2 means, Rateable proportion defined

(*a*) if there are two insurers liable and each has the same policy limits, each of the insurers shall share equally in any liability, expense, loss or damage;

(*b*) if there are two insurers liable with different policy limits, the insurers shall share equally up to the limit of the smaller policy limit;

(*c*)

(*c*) if there are more than two insurers liable, clauses *a* and *b* apply *mutatis mutandis*.

R.S.O. 1960, c. 190, Part VII (ss. 227-251), re-enacted

16.—(1) Subject to subsection 3, Part VII of *The Insurance Act*, as amended by section 7 of *The Insurance Amendment Act, 1961-62* and section 13 of *The Insurance Amendment Act, 1966*, is repealed and the following substituted therefor:

PART VII

Accident and Sickness Insurance

Interpretation

227. In this Part,

(*a*) "application" means a written application for insurance or for the reinstatement of insurance;

(*b*) "beneficiary" means a person designated or appointed in a contract or by a declaration, other than the insured or his personal representative, to whom or for whose benefit insurance money payable in the event of death by accident is to be paid;

(*c*) "blanket insurance" means that class of group insurance that covers loss arising from specific hazards incident to or defined by reference to a particular activity or activities;

(*d*) "contract" means a contract of insurance;

(*e*) "court" means the Supreme Court, or a judge thereof;

(*f*) "creditor's group insurance" means insurance effected by a creditor whereby the lives or well-being, or the lives and well-being, of a number of his debtors are insured severally under a single contract;

(*g*) "declaration" means an instrument signed by the insured,

(i) with respect to which an endorsement is made on the policy, or

(ii) that identifies the contract, or

(iii) that describes the insurance or insurance fund or a part thereof,

in

in which he designates or alters or revokes the designation of his personal representative or a beneficiary as one to whom or for whose benefit shall be paid the insurance money which is payable in the event of death by accident;

(*h*) "family insurance" means insurance whereby the lives or well-being, or the lives and well-being, of the insured and one or more persons related to him by blood, marriage or adoption are insured under a single contract between an insurer and the insured;

(*i*) "group insurance" means insurance other than creditor's group insurance and family insurance, whereby the lives or well-being, or the lives and well-being, of a number of persons are insured severally under a single contract between an insurer and an employer or other person;

(*j*) "group person insured" means a person who is insured under a contract of group insurance and upon whom a right is conferred by the contract, but does not include a person who is insured thereunder as a person dependent upon or related to him;

(*k*) "instrument" includes a will;

(*l*) "insurance" means accident insurance, sickness insurance, or accident insurance and sickness insurance;

(*m*) "insured",

(i) in the case of group insurance means, in the provisions of this Part relating to the designation of beneficiaries or of personal representatives as recipients of insurance money and their rights and status, the group person insured, and

(ii) in all other cases means the person who makes a contract with an insurer;

(*n*) "person insured" means a person in respect of an accident to whom, or in respect of whose sickness, insurance money is payable under a contract, but does not include a group person insured;

(*o*) "will" includes a codicil.

Application of Part

228.—(1) Notwithstanding any agreement, condition or stipulation to the contrary, this Part applies to contracts made in Ontario.

Exceptions

(2) This Part does not apply to,

(*a*) accidental death insurance; or

(*b*) creditor's group insurance; or

(*c*) disability insurance; or

(*d*) insurance provided under section 226*a*, 226*b* or 226*c*.

Group insurance

229. In the case of a contract of group insurance made with an insurer authorized to transact insurance in Ontario at the time the contract was made, this Part applies in determining,

(*a*) the rights and status of beneficiaries and personal representatives as recipients of insurance money, if the group person insured was resident in Ontario at the time he became insured; and

(*b*) the rights and obligations of the group person insured if he was resident in Ontario at the time he became insured.

Issue of policy

230. An insurer entering into a contract shall issue a policy.

Exceptions

231.—(1) This section does not apply to,

(*a*) a contract of group insurance; or

(*b*) a contract made by a fraternal society.

Contents of policy

(2) An insurer shall set forth the following particulars in the policy:

1. The name or a sufficient description of the insured and of the person insured.

2. The amount or the method of determining the amount of the insurance money payable and the conditions under which it becomes payable.

3. The amount or the method of determining the amount of the premium and the period of grace, if any, within which it may be paid.

4. The conditions upon which the contract may be reinstated if it lapses.

5. The term of the insurance or the method of determining the day upon which the insurance commences and terminates.

Contents of group policy

232. In the case of a contract of group insurance, an insurer shall set forth the following particulars in the policy:

1. The name or a sufficient description of the insured.

2. The method of determining the group persons insured and persons insured.

3. The amount or the method of determining the amount of the insurance money payable and the conditions under which it becomes payable.

4. The period of grace, if any, within which the premium may be paid.

5. The term of the insurance or the method of determining the day upon which the insurance commences and terminates.

Contents of group certificate

233.—(1) Except as provided in subsection 2, in the case of a contract of group insurance an insurer shall issue for delivery by the insured to each group person insured a certificate or other document in which are set forth the following particulars:

1. The name of the insurer and a sufficient identification of the contract.

2. The amount or the method of determining the amount of insurance on the group person insured and on any person insured.

3. The circumstances under which the insurance terminates, and the rights, if any, upon such termination of the group person insured and of any person insured.

Exception

(2) This section does not apply to a contract of blanket insurance or to a contract of group insurance of a non-renewable type issued for a term of six months or less.

Exceptions or reduction

234.—(1) Subject to section 235 and except as otherwise provided in this section, the insurer shall set forth in the policy every exception or reduction affecting the amount payable under the contract, either in the provision affected by the exception or reduction, or under a heading such as "Exceptions" or "Reductions".

Idem

(2) Where the exception or reduction affects only one provision in the policy it shall be set forth in that provision.

Idem

(3) Where the exception or reduction is contained in an endorsement, insertion or rider, the endorsement, insertion or rider shall, unless it affects all amounts payable under the contract, make reference to the provisions in the policy affected by the exception or reduction.

Idem

(4) The exception or reduction mentioned in section 247 need not be set forth in the policy.

Idem

(5) This section does not apply to a contract made by a fraternal society.

Statutory conditions

235. Subject to section 236, the conditions set forth in this section shall be deemed to be part of every contract other than a contract of group insurance, and shall be printed on or attached to the policy forming part of such contract with the heading "Statutory Conditions".

STATUTORY CONDITIONS

The Contract

1.—(1) The application, this policy, any document attached to this policy when issued, and any amendment to the contract agreed upon in writing after the policy is issued, constitute the entire contract, and no agent has authority to change the contract or waive any of its provisions.

Waiver

(2) The insurer shall be deemed not to have waived any condition of this contract, either in whole or in part, unless the waiver is clearly expressed in writing signed by the insurer.

Copy of Application

(3) The insurer shall, upon request, furnish to the insured or to a claimant under the contract a copy of the application.

Material Facts

2. No statement made by the insured or person insured at the time of application for this contract shall be used in defence of a claim under or to avoid this contract unless it is contained in the application or any other written statements or answers furnished as evidence of insurability.

Changes in Occupation

3.—(1) If after the contract is issued the person insured engages for compensation in an occupation that is classified by the insurer as more hazardous than that stated in this contract, the liability under this contract is limited to the amount that the premium paid would have purchased for the more hazardous occupation according to the limits, classification of risks and premium rates in use by the insurer at the time the person insured engaged in the more hazardous occupation.

(2) If the person insured changes his occupation from that stated in this contract to an occupation classified by the insurer as less hazardous and the insurer is so advised in writing, the insurer shall either,

(*a*) reduce the premium rate; or

(*b*) issue a policy for the unexpired term of this contract at the lower rate of premium applicable to the less hazardous occupation,

according

according to the limits, classification of risks, and premium rates used by the insurer at the date of receipt of advice of the change in occupation, and shall refund to the insured the amount by which the unearned premium on this contract exceeds the premium at the lower rate for the unexpired term.

Relation of Earnings to Insurance

4. Where the benefits for loss of time payable hereunder, either alone or together with benefits for loss of time under another contract, including a contract of group accident insurance or group sickness insurance or of both and a life insurance contract providing disability insurance, exceed the money value of the time of the person insured, the insurer is liable only for that proportion of the benefits for loss of time stated in this policy that the money value of the time of the person insured bears to the aggregate of the benefits for loss of time payable under all such contracts and the excess premium, if any, paid by the insured shall be returned to him by the insurer.

Termination by Insured

5. The insured may terminate this contract at any time by giving written notice of termination to the insurer by registered mail to its head office or chief agency in the Province, or by delivery thereof to an authorized agent of the insurer in the Province, and the insurer shall upon surrender of this policy refund the amount of premium paid in excess of the short rate premium calculated to the date of receipt of such notice according to the table in use by the insurer at the time of termination.

Termination by Insurer

6.—(1) The insurer may terminate this contract at any time by giving written notice of termination to the insured and by refunding concurrently with the giving of notice the amount of premium paid in excess of the *pro rata* premium for the expired time.

(2) The notice of termination may be delivered to the insured, or it may be sent by registered mail to the latest address of the insured on the records of the insurer.

(3) Where the notice of termination is delivered to the insured, five days notice of termination shall be given; where it is mailed to the insured, ten days notice of termination shall be given, and the ten days shall begin on the day following the date of mailing of notice.

Notice and Proof of Claim

7.—(1) The insured or a person insured, or a beneficiary entitled to make a claim, or the agent of any of them, shall,

(*a*) give written notice of claim to the insurer,

(i) by delivery thereof, or by sending it by registered mail to the head office or chief agency of the insurer in the Province, or

(ii) by delivery thereof to an authorized agent of the insurer in the Province,

not later than thirty days from the date a claim arises under the contract on account of an accident, sickness or disability;

(*b*) within ninety days from the date a claim arises under the contract on account of an accident, sickness or disability, furnish to the insurer such proof as is reasonably possible in the circumstances of the happening of the accident or the commencement of the sickness or disability, and the loss occasioned thereby, the right of the claimant to receive payment, his age, and the age of the beneficiary if relevant; and

(*c*) if so required by the insurer, furnish a satisfactory certificate as to the cause or nature of the accident, sickness or disability for which claim may be made under the contract and as to the duration of such disability.

Failure to Give Notice or Proof

(2) Failure to give notice of claim or furnish proof of claim within the time prescribed by this statutory condition does not invalidate the claim if the notice or proof is given or furnished as soon as reasonably possible, and in no event later than one year from the date of the accident or the date a claim arises under the contract on account of sickness or disability if it is shown that it was not reasonably possible to give notice or furnish proof within the time so prescribed.

Insurer to Furnish Forms for Proof of Claim

8. The insurer shall furnish forms for proof of claim within fifteen days after receiving notice of claim, but where the claimant has not received the forms within that time he may submit his proof of claim in the form of a written statement of the cause or nature of the accident, sickness or disability giving rise to the claim and of the extent of the loss.

Rights of Examination

9. As a condition precedent to recovery of insurance moneys under this contract,

(*a*) the claimant shall afford to the insurer an opportunity to examine the person of the person insured when and so often as it reasonably requires while the claim hereunder is pending, and

(*b*) in the case of death of the person insured, the insurer may require an autopsy subject to any law of the applicable jurisdiction relating to autopsies.

When Moneys Payable Other Than for Loss of Time

10. All moneys payable under this contract, other than benefits for loss of time, shall be paid by the insurer within sixty days after it has received proof of claim.

When Loss of Time Benefits Payable

11. The initial benefits for loss of time shall be paid by the insurer within thirty days after it has received proof of claim, and payment shall be made thereafter in accordance with the terms of the contract but not less frequently than once in each succeeding sixty days while the insurer remains liable for the payments if the person insured when required to do so furnishes before payment proof of continuing disability.

Limitation of Actions

12. An action or proceeding against the insurer for the recovery of a claim under this contract shall not be commenced more than one year after the date the insurance money became payable or would have become payable if it had been a valid claim.

Omission or variation of conditions

236.—(1) Where a statutory condition is not applicable to the benefits provided by the contract it may be omitted from the policy or varied so that it will be applicable.

Idem

(2) Statutory conditions 3, 4 and 9 may be omitted from the policy if the contract does not contain any provisions respecting the matters dealt with therein.

(3) Statutory conditions 5 and 6 shall be omitted from the policy if the contract does not provide that it may be terminated by the insurer prior to the expiry of any period for which a premium has been accepted. Idem

(4) Statutory conditions 3, 4, 5, 6 and 9, and subject to the restriction in subsection 5, statutory condition 7, may be varied but, if by reason of the variation the contract is less favourable to the insured, a person insured or a beneficiary than it would be if the condition had not been varied, the condition shall be deemed to be included in the policy in the form in which it appears in section 235. Idem

(5) Clauses *a* and *b* of paragraph 1 of statutory condition 7 may not be varied in policies providing benefits for loss of time. Idem

(6) Statutory conditions 10 and 11 may be varied by shortening the periods of time prescribed therein, and statutory condition 12 may be varied by lengthening the period of time prescribed therein. Idem

(7) The title of a statutory condition shall be reproduced in the policy along with the statutory condition, but the number of a statutory condition may be omitted. Idem

(8) In the case of a contract made by a fraternal society, Contract by fraternal society

(*a*) the following provision shall be printed on every policy in substitution for paragraph 1 of statutory condition 1:

The Contract **1.**—(1) This policy, the Act or instrument of incorporation of the society, its constitution, by-laws and rules, and the amendments made from time to time to any of them, the application for the contract and the medical statement of the applicant, constitute the entire contract, and no agent has authority to change the contract or waive any of its provisions.

and

(*b*) statutory condition 5 shall not be printed on the policy.

237. In the case of a policy of accident insurance of a non-renewable type issued for a term of six months or less or in relation to a ticket of travel, the statutory conditions need not be printed on or attached to the policy if the policy contains the following notice printed in conspicuous type: Notice of statutory conditions

"Notwithstanding any other provision herein contained, this contract is subject to the statutory conditions in *The Insurance Act* respecting contracts of accident insurance". R.S.O. 1960, c. 190

Termination for non-payment of initial or renewal premium

238.—(1) Where a policy evidencing a contract or a certificate evidencing the renewal of a contract is delivered to the insured and the initial premium or in the case of a renewal certificate the renewal premium therefor has not been fully paid,

(*a*) the contract or the renewal thereof evidenced by the certificate is as binding on the insurer as if such premium had been paid although delivered by an officer or an agent of the insurer who did not have authority to deliver it; and

(*b*) the contract may be terminated for the non-payment of the premium by the insurer upon ten days notice of termination given in writing to the insured and mailed postage prepaid and registered to the latest address of the insured on the records of the insurer and the ten days shall begin on the day following the date of mailing such notice.

Exception

(2) This section does not apply to a contract of group insurance or to a contract made by a fraternal society.

Right where premium unpaid

239.—(1) An insurer may,

(*a*) deduct unpaid premiums from an amount that it is liable to pay under a contract; or

(*b*) sue the insured for unpaid premiums.

Where cheque or note for premium not paid

(2) Where a cheque or other bill of exchange or a promissory note or other written promise to pay is given for the whole or part of a premium and payment is not made according to its tenor, the premium or part thereof shall be deemed never to have been paid.

Exception

(3) Clause *a* of subsection 1 does not apply to a contract of group insurance.

Idem

(4) This section does not apply to a contract made by a fraternal society.

Insurable interest

240. Without restricting the meaning of the expression "insurable interest", a person has an insurable interest in his own life and well-being and in the life and well-being of,

(*a*) his child or grandchild;

(*b*) his spouse;

(*c*) any person upon whom he is wholly or in part dependent for, or from whom he is receiving, support or education;

(*d*) his officer or employee; and

(*e*) any person in whom he has a pecuniary interest.

Lack of insurable interest

241.—(1) Subject to subsection 2, where at the time a contract would otherwise take effect, the insured has no insurable interest, the contract is void.

Exceptions

(2) A contract is not void for lack of insurable interest,

(*a*) if it is a contract of group insurance; or

(*b*) if the person insured has consented in writing to the insurance.

Consent of minors

(3) Where the person insured is under the age of sixteen years, consent to the insurance may be given by one of his parents or by a person standing *in loco parentis* to him.

POLICIES ON LIVES OF MINORS

Capacity of minors

242.—(1) Except in respect of his rights as beneficiary, a minor who has attained the age of sixteen years has the capacity of a person of the age of twenty-one years,

(*a*) to make an enforceable contract; and

(*b*) in respect of a contract.

Capacity of minor beneficiary

(2) A beneficiary who has attained the age of eighteen years has the capacity of a person of the age of twenty-one years to receive insurance money payable to him and to give a valid discharge therefor.

MISREPRESENTATION AND NON-DISCLOSURE

Duty to disclose

243.—(1) An applicant for insurance on his own behalf and on behalf of each person to be insured, and each person to be insured, shall disclose to the insurer in any application, on a medical examination, if any, and in any written statements or answers furnished as evidence of insurability, every fact within his knowledge that is material to the insurance and is not so disclosed by the other.

Failure to disclose

(2) Subject to sections 244 and 247, a failure to disclose, or a misrepresentation of, such a fact renders a contract voidable by the insurer.

Group insurance failure to disclose

(3) In the case of a contract of group insurance, a failure to disclose or a misrepresentation of such a fact with respect to a group person insured or a person insured under the contract does not render the contract voidable, but if evidence of insurability is specifically requested by the insurer, the insurance in respect of such a person is, subject to section 244, voidable by the insurer.

Incontestability

244.—(1) Subject to section 247 and except as provided in subsection 2,

(*a*) where a contract, including renewals thereof, except a contract of group insurance, has been in effect continuously for two years with respect to a person insured, a failure to disclose or a misrepresentation of a fact with respect to that person required by section 243 to be disclosed does not, except in the case of fraud, render the contract voidable;

(*b*) where a contract of group insurance, including renewals thereof, has been in effect continuously for two years with respect to a group person insured or a person insured, a failure to disclose or a misrepresentation of a fact with respect to that group person insured or person insured required by section 243 to be disclosed does not, except in the case of fraud, render the contract voidable with respect to that group person insured or person insured.

Exception

(2) Where a claim arises from a loss incurred or a disability beginning before a contract, including renewals thereof, has been in force for two years with respect to the person in respect of whom the claim is made, subsection 1 does not apply to that claim.

Application of incontestability to reinstatement

245. Sections 243 and 244 apply *mutatis mutandis* to a failure at the time of reinstatement of a contract to disclose or a misrepresentation at that time, and the period of two years to which reference is made in section 244 commences to run in respect of a reinstatement from the date of reinstatement.

Pre-existing conditions

246. Where a contract contains a general exception or reduction with respect to pre-existing disease or physical conditions and the person insured or group person insured suffers or has suffered from a disease or physical condition that existed before the date the contract came into force with respect to that person and the disease or physical condition is not by name or specific description excluded from the insurance respecting that person,

(*a*) the prior existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability in whole or in part for a loss incurred or a disability beginning after the contract, including renewals thereof, has been in force continuously for two years immediately prior to the date of loss incurred or commencement of disability with respect to that person; and

(*b*) the existence of the disease or physical condition is not, except in the case of fraud, available as a defence against liability in whole or in part if the disease or physical condition was disclosed in the application for the contract.

Misstatement of age

247.—(1) Subject to subsections 2 and 3, if the age of the person insured has been misstated to the insurer then, at the option of the insurer, either,

(*a*) the benefits payable under the contract shall be increased or decreased to the amount that would have been provided for the same premium at the correct age; or

(*b*) the premium may be adjusted in accordance with the correct age as of the date the person insured became insured.

Misstatement of age in group insurance

(2) In the case of a contract of group insurance, if there is a misstatement to the insurer of the age of a group person insured or person insured, the provisions, if any, of the contract with respect to age or misstatement of age shall apply.

True age governs

(3) Where the age of a person affects the commencement or termination of the insurance, the true age governs.

BENEFICIARIES

Designation of beneficiary

248.—(1) Unless otherwise provided in the policy, an insured may in a contract or by a declaration designate his personal representative or a beneficiary to receive insurance money payable in the event of death by accident, and may from time to time alter or revoke the designation by declaration.

Designation in invalid will

(2) A designation in an instrument purporting to be a will is not ineffective by reason only of the fact that the instrument is invalid as a will or that the designation is invalid as a bequest under the will.

Priorities

(3) A designation in a will is of no effect against a designation made later than the making of the will.

Revocation

(4) If a designation is contained in a will and subsequently the will is revoked by operation of law or otherwise, the designation is thereby revoked.

Idem

(5) If a designation is contained in an instrument that purports to be a will and subsequently the instrument, if it had been valid as a will would have been revoked by operation of law or otherwise, the designation is thereby revoked.

Meaning of "heirs", etc.

249.—(1) A designation in favour of the "heirs", "next-of-kin" or "estate", or the use of words of like import in a designation shall be deemed to be a designation of the personal representative.

Death of beneficiary

(2) Where a beneficiary predeceases the person insured or group person insured, as the case may be, and no disposition of the share of the deceased beneficiary in the insurance money is provided in the contract or by declaration, the share is payable,

(*a*) to the surviving beneficiary; or

(*b*) if there is more than one surviving beneficiary, to the surviving beneficiaries in equal shares; or

(*c*) if there is no surviving beneficiary, to the insured or group person insured, as the case may be, or his personal representative.

Right to sue

(3) A beneficiary designated under section 248 may upon the death by accident of the person insured or group person insured enforce for his own benefit, and a trustee appointed pursuant to section 250 may enforce as trustee, the payment of insurance money payable to him, and the payment to the beneficiary or trustee discharges the insurer to the extent of the amount paid, but the insurer may set up any defence that it could have set up against the insured or his personal representative.

Trustee for beneficiary

250. An insured may in a contract or by a declaration appoint a trustee for a beneficiary, and may alter or revoke the appointment by a declaration.

Documents affecting title

251.—(1) Until an insurer receives at its head or principal office in Canada an instrument or an order of any court of competent jurisdiction affecting the right to receive insurance money, or a notarial copy or a copy verified by statutory declaration of any such instrument or order, it may make payment of the insurance money and shall be as fully discharged to the extent of the amount paid as if there were no such instrument or order.

Saving

(2) Subsection 1 does not affect the rights or interests of any person other than the insurer.

Interest of assignee

(3) Where an assignee of a contract gives notice in writing of the assignment to the insurer at its head or principal office in Canada he has priority of interest as against,

(*a*) any assignee other than one who gave notice earlier in like manner; and

(*b*) a beneficiary.

Assignee deemed to be insured

(4) Where a contract is assigned unconditionally and otherwise than as security, the assignee has all the rights and interests given by the contract and by this Part to the insured, and shall be deemed to be the insured.

Prohibition against assignment

(5) A provision in a contract to the effect that the rights or interests of the insured, or in the case of a contract of group insurance the group person insured, are not assignable is valid.

Insurance money free from creditors

251*a*.—(1) Where a beneficiary is designated, any insurance money payable to him is not, from the time of the happening of the event upon which it becomes payable, part of the estate of the insured, and is not subject to the claims of the creditors of the insured.

Contract exempt from seizure

(2) While there is in effect a designation of beneficiary in favour of any one or more of a spouse, child, grandchild or parent of the person insured or group person insured, the rights and interests of the insured in the insurance money and in the contract so far as either relate to accidental death benefits are exempt from execution or seizure.

Group person insured enforcing rights

251*b*. A group person insured may, in his own name, enforce a right given by a contract to him, or to a person insured thereunder as a person dependent upon or related to him, subject to any defence available to the insurer against him or such person insured or against the insured.

Simultaneous deaths

251*c*. Unless a contract or a declaration otherwise provides, where a person insured or group person insured and a beneficiary die at the same time or in circumstances rendering it uncertain which of them survived the other, the insurance money is payable in accordance with subsection 2 of section 249 as if the beneficiary had predeceased the person insured or group person insured.

Payment into court

251*d*.—(1) Where the insurer admits liability for the insurance money or any part thereof, and it appears to the insurer that,

(*a*) there are adverse claimants; or

(*b*) the whereabouts of the person entitled is unknown; or

(*c*) there is no person capable of giving or authorized to give a valid discharge therefor who is willing to do so,

the insurer may apply *ex parte* to the court for an order for payment of money into court, and the court may upon such notice, if any, as it deems necessary, make an order accordingly.

Costs of proceedings

(2) The court may fix without taxation the costs incurred upon or in connection with any application or order made under subsection 1, and may order the costs to be paid out of the insurance money or by the insurer or otherwise as it deems just.

Discharge of insurer

(3) A payment made pursuant to an order under subsection 1 discharges the insurer to the extent of the payment.

Where beneficiary a minor

251*e*.—(1) Where an insurer admits liability for insurance money payable to a minor and there is no person capable of giving and authorized to give a valid discharge therefor who is willing to do so, the insurer may at any time after thirty days from the date of the happening of the event upon which the insurance money becomes payable, pay the money less the applicable costs mentioned in subsection 2 into court to the credit of the minor.

Costs

(2) The insurer may retain, out of the insurance money for costs incurred upon payment into court under subsection 1, the sum of $10 where the amount does not exceed $1,000, and the sum of $15 in other cases, and payment of the remainder of the money into court discharges the insurer.

Procedure

(3) No order is necessary for payment into court under subsection 1, but the accountant or other proper officer shall receive the money upon the insurer filing with him an affidavit showing the amount payable and the name, date of birth and residence of the minor, and upon such payment being made the insurer shall forthwith notify the Official Guardian and deliver to him a copy of the affidavit.

Beneficiary under disability

251*f*. Where it appears that a representative of a beneficiary who is under disability may under the law of the domicile of the beneficiary accept payments on behalf of the beneficiary, the insurer may make payment to the representative and any such payment discharges the insurer to the extent of the amount paid.

Payments not exceeding $2,000

251*g*. Notwithstanding that insurance money is payable to a person, the insurer may if the contract so provides, but subject always to the rights of an assignee, pay an amount not exceeding $2,000 to,

(*a*) a relative by blood or connection by marriage of a person insured or the group person insured; or

(*b*) any person appearing to the insurer to be equitably entitled thereto by reason of having incurred expense for the maintenance, medical attendance or burial of a person insured or the group person insured, or to have a claim against the estate of a person insured or the group person insured in relation thereto,

and any such payment discharges the insurer to the extent of the amount paid.

Place of payment

251*h*.—(1) Subject to subsection 2, insurance money is payable in Ontario.

Exception for group insurance

(2) In the case of a contract of group insurance, insurance money is payable in the province or territory of Canada in which the group person insured was resident at the time he became insured.

Dollars

(3) Unless a contract otherwise provides, a reference therein to dollars means Canadian dollars whether the contract by its terms provides for payment in Canada or elsewhere.

Payment outside Ontario

(4) Where a person entitled to receive insurance money is not domiciled in Ontario, the insurer may pay the insurance money to that person or to any person who is entitled to receive it on his behalf by the law of the domicile of the payee and any such payment discharges the insurer to the extent of the amount paid.

Payment to personal representative

(5) Where insurance money is by the contract payable to a person who has died or to his personal representative and such deceased person was not at the date of his death domiciled in Ontario, the insurer may pay the insurance money to the personal representative of such person appointed under the law of his domicile, and any such payment discharges the insurer to the extent of the amount paid.

Action in Ontario

251*i*. Regardless of the place where a contract was made, a claimant who is a resident of Ontario may bring an action in Ontario if the insurer was authorized to transact insurance in Ontario at the time the contract was made or at the time the action is brought.

Insurer giving information

251*j*. An insurer does not incur any liability for any default, error or omission in giving or withholding information as to any notice or instrument that it has received and that affects the insurance money.

Undue prominence

251*k*. The insurer shall not in the policy give undue prominence to any provision or statutory condition as compared to other provisions or statutory conditions, unless the effect of that provision or statutory condition is to increase the premium or decrease the benefits otherwise provided for in the policy.

Relief from forfeiture

251*l*. Where there has been imperfect compliance with a statutory condition as to any matter or thing to be done or omitted by the insured, person insured or claimant with respect to the loss insured against and a consequent forfeiture or avoidance of the insurance in whole or in part, and any court before which a question relating thereto is tried deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it deems just.

Presumption against agency

251*m*. No officer, agent, employee or servant of the insurer, and no person soliciting insurance, whether or not he is an agent of the insurer shall, to the prejudice of the insured, person insured or group person insured, be deemed to be the agent of the insured or of the person insured or group person insured in respect of any question arising out of the contract.

Application

(2) Part VII of *The Insurance Act*, as re-enacted by subsection 1, applies to contracts made after this section comes into force.

Idem

(3) In the case of contracts made before this section comes into force and in effect on the day this section comes into force,

(*a*) sections 227, 228, 229, 230, 237, 240, 241, 242 and 246 and sections 248 to 251*m* of *The Insurance Act*, as re-enacted by this section, apply; and

(*b*) sections 230, 231, 232, 233, 235, 242 and 245 of *The Insurance Act*, as they existed immediately before this section comes into force, continue to apply.

R.S.O. 1960, c. 190, s. 315, subs. 2, re-enacted

17.—(1) Subsection 2 of section 315 of *The Insurance Act* is repealed and the following substituted therefor:

Classes of licences

(2) Licences so issued shall be of three classes, that is,

(*a*) licences for life insurance, or life and accident insurance, or life and accident and sickness insurance; or

(*b*)

(*b*) licences for accident and sickness insurance; or

(*c*) licences for all classes of insurance other than life insurance.

(2) Subsection 6 of the said section 315 is amended by striking out "a fee of $1" in the seventh line and inserting in lieu thereof "the prescribed fee". R.S.O. 1960, c. 190, s. 315, subs. 6, amended

18. Subsection 6 of section 316 of *The Insurance Act* is amended by striking out "a fee of $1" in the eighth line and inserting in lieu thereof "the prescribed fee". R.S.O. 1960, c. 190, s. 316, subs. 6, amended

19.—(1) Item 12 of Schedule A to *The Insurance Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 190, Sched. A, item 12, amended

(*d*) where the applicant is a corporation 25

(2) Clause *c* of item 13 of the said Schedule A, as re-enacted by subsection 2 of section 6 of *The Insurance Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 190, Sched. A, item 13 (1968, c. 58, s. 6, subs. 2) cl. *c*, re-enacted

(*c*) where the applicant is a corporation 25

(*d*) for transfer or revival of a licence 2

(*e*) all other applicants 25

(3) Item 14 of the said Schedule A is repealed and the following substituted therefor: R.S.O. 1960, c. 190, Sched. A, item 14, re-enacted

14. Licences for insurance brokers and renewals thereof whether corporate or otherwise 25

(4) Item 17 of the said Schedule A is repealed and the following substituted therefor: R.S.O. 1960, c. 190, Sched. A, item 17, re-enacted

17. Licences under subsection 19 of section 315 in the name of a transportation company authorizing its ticket salesmen to act as agent for travel-accident insurance, live stock insurance or baggage insurance, and renewals thereof 25

20.—(1) This Act, except sections 1, 11 and 16, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 1 and 16 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

(3) Section 11 comes into force on the 1st day of September, 1969. Idem

21. This Act may be cited as *The Insurance Amendment Act, 1968-69*. Short title

CHAPTER

CHAPTER 54

An Act to amend The Judicature Act

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 112 of *The Judicature Act* is amended by striking out "Lieutenant Governor in Council" in the fourth line and inserting in lieu thereof "Chief Justice of Ontario", so that the subsection shall read as follows: R.S.O. 1960, c. 197, s. 112, subs. 1, amended

(1) A council of the judges of the Supreme Court, of which due notice shall be given to all of them, shall assemble at least once in every year on such day as is fixed by the Chief Justice of Ontario for the purpose of considering the operation of this Act and of the rules and the working of the offices and the arrangements relative to the duties of the officers of the court, and of enquiring and examining into any defects that appear to exist in the system of procedure or the administration of justice in the Supreme Court or in any other court or by any other authority. Council o judges

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Judicature Amendment Act, 1968-69*. Short title

CHAPTER 55

An Act to amend The Jurors Act

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 52 of *The Jurors Act*, as amended by section 1 of *The Jurors Amendment Act, 1961-62*, is further amended by striking out "and" at the end of clause *b*, by adding "and" at the end of clause *c* and by adding thereto the following clause: R.S.O. 1960, c. 199, s. 52, subs. 1, amended

(*d*) in The Regional Municipality of Ottawa-Carleton, 350,

. . . . .

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Jurors Amendment Act, 1968-69*. Short title

CHAPTER 56

An Act to incorporate the City of The Lakehead

Assented to May 8th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "City" means the municipality or corporation of the City of The Lakehead;

(*b*) "Department" means the Department of Municipal Affairs;

(*c*) "Minister" means the Minister of Municipal Affairs.

Incorporation of City

2. On the 1st day of January, 1970,

(*a*) The Corporation of the City of Fort William and The Corporation of the City of Port Arthur are amalgamated as one municipality;

(*b*) the geographic township of McIntyre is withdrawn from The Corporation of the Municipality of Shuniah and annexed to the amalgamated municipality under clause *a*; and

(*c*) the geographic township of Neebing is withdrawn from The Corporation of the Municipality of Neebing and annexed to the amalgamated municipality under clause *a*,

and on and after that date the inhabitants of the City of Fort William, the City of Port Arthur and the geographic townships of McIntyre and Neebing are a body corporate which shall be a city municipality under the name of "The Corporation of the City of The Lakehead".

Council, composition

3.—(1) The council of the City shall consist of a mayor and twelve aldermen.

Term of office

(2) The first council of the City shall hold office until the 1st day of January, 1973, and each succeeding council shall hold office for a two-year term.

First election

(3) The Minister by order shall provide for the holding of the elections in the year 1969 for members of the council of the City, including polling day, which shall be the 23rd day of June, 1969, nomination meetings, appointment of returning officers, preparation of voters' lists, application of *The Municipal Franchise Extension Act* and any other matters as are deemed necessary in respect of the election.

R.S.O. 1960, c. 254

Referendum re name of City

(4) If directed by order of the Minister, a vote of the electors of the City shall be taken at the same time as the election for the first council to determine, from among the names designated by the Minister, which name the City shall bear and, following the vote, the Minister shall by order,

(*a*) confirm the name of the City as set out in section 2; or

(*b*) declare the names that the City, the hydro-electric power commission established under section 8 and the public library board established under section 9 shall bear,

and where a declaration is made under clause *b*, all references to the bodies mentioned in clause *b* shall be deemed to refer to the names of such bodies as designated in the declaration.

Wards

(5) For the purpose of the election to be held in the years 1969 and 1972 and for the purpose of apportioning the levy for the years 1970, 1971 and 1972 in accordance with section 12, the City is divided into the following wards:

1. Fort William Ward—which shall comprise the area of the City of Fort William as it existed on the 1st day of May, 1969.

2. McIntyre Ward—which shall comprise the area of the geographic township of McIntyre as it existed on the 1st day of May, 1969.

3. Neebing Ward—which shall comprise the area of the geographic township of Neebing as it existed on the 1st day of May, 1969.

4. Port Arthur Ward—which shall comprise the area of the City of Port Arthur as it existed on the 1st day of May, 1969.

(6) Any lands that become part of the City under the provisions of section 4 of *An Act respecting certain aid by the Corporation of the Town of Fort William to the Grand Trunk Pacific Railway Company*, being chapter 48 of the Statutes of Ontario, 1905, or of subsection 2 of section 5 of *An Act respecting the City of Fort William*, being chapter 114 of the Statutes of Ontario, 1910, shall form part of Fort William Ward. Certain lands to form part of Fort William Ward

4.—(1) The mayor shall be elected by a general vote of the electors of the City. Election of mayor

(2) Every candidate for the office of mayor in the election to be held in the year 1969 shall be a person, otherwise qualified, whose principal residence was, on the 1st day of September, 1968, and is, at the time of the opening of the nomination meeting, in the City. First election

(3) The twelve aldermen shall be elected by a general vote of the electors of the City and the electors shall, at the elections to be held in the years 1969 and 1972, vote to elect, Election of aldermen

(*a*) five aldermen whose principal residences,

(i) in the case of the 1969 election were, on the 1st day of September, 1968, in the City of Fort William and are, at the time of the opening of the nomination meeting, in Fort William Ward, and

(ii) in the case of the 1972 election are, at the time of the opening of the nomination meeting, in Fort William Ward;

(*b*) one alderman whose principal residence,

(i) in the case of the 1969 election was, on the 1st day of September, 1968, in the geographic township of McIntyre and is, at the time of the opening of the nomination meeting, in McIntyre Ward, and

(ii) in the case of the 1972 election is, at the time of the opening of the nomination meeting, in McIntyre Ward;

(*c*) one alderman whose principal residence,

(i) in the case of the 1969 election was, on the 1st day of September, 1968, in the geographic township of Neebing and is, at the time of the opening of the nomination meeting, in Neebing Ward, and

(ii)

(ii) in the case of the 1972 election is, at the time of the opening of the nomination meeting, in Neebing Ward; and

(*d*) five aldermen whose principal residences,

(i) in the case of the 1969 election were, on the 1st day of September, 1968, in the City of Port Arthur and are, at the time of the opening of the nomination meeting, in Port Arthur Ward, and

(ii) in the case of the 1972 election are, at the time of the opening of the nomination meeting, in Port Arthur Ward.

General administrative head

5.—(1) The council of the City may, by by-law, appoint a general administrative head, who,

(*a*) shall have such general control and management of the administration of the government and affairs of the City and perform such duties as the council by by-law prescribes;

(*b*) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(*c*) shall hold office during the pleasure of the council; and

(*d*) shall receive such salary as the council by by-law determines.

Application of R.S.O. 1960, c. 249, s. 239 (2)

(2) Subsection 2 of section 239 of *The Municipal Act* applies to a general administrative head appointed under subsection 1.

No board of control

6. The City shall not have a board of control.

Fort William Gardens Board dissolved

7.—(1) The Fort William Gardens Board is hereby dissolved on the 1st day of January, 1970, and the council of the City, on and after that date, shall act in the place and stead of such board, and all the assets and liabilities of such board become, on that date, assets and liabilities of the City without compensation.

Recreation and Community Centres Board dissolved

(2) The Recreation and Community Centres Board of the City of Port Arthur is hereby dissolved on the 1st day of January, 1970, and the council of the City, on and after that date, shall act in the place and stead of such board, and all the assets and liabilities of such board shall become, on that date, assets and liabilities of the City without compensation.

Council to be recreation committee and community centres board R.S.O. 1960, cc. 94, 60

(3) The council of the City shall be deemed to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act.*

Prohibition re establishment of boards R.S.O. 1960, c. 249

(4) No board having powers or functions similar to those of the boards mentioned in subsections 1 and 2 or a board under paragraph 69 of section 377 of *The Municipal Act* shall be established by the City.

Hydro Commission

8.—(1) A hydro-electric power commission for the City to be known as "The Hydro-Electric Commission of The Lakehead" is hereby established on the 1st day of January, 1970, and shall be deemed to have been established under Part III of *The Public Utilities Act*, and shall consist of the mayor of the City and four other members, and, until the 31st day of December, 1972, two members shall be appointed by The Hydro-Electric Power Commission of Ontario and two members shall be appointed by the council of the City. R.S.O. 1960, c. 335

By-law re election or appointment of members

(2) The council of the City in the year 1972 shall by by-law provide that thereafter the members of The Hydro-Electric Commission of The Lakehead, except the mayor, shall be appointed as provided in subsection 1 or shall be elected by a general vote of the electors of the City.

Term of office

(3) A member shall hold office for the same term as the members of council and until his successor is appointed or elected.

Fort William Commission dissolved

(4) The Hydro-Electric Commission of the City of Fort William is hereby dissolved on the 1st day of January, 1970, and all the assets under the control and management of such Commission and all liabilities of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation.

Port Arthur Commission dissolved

(5) The Public Utilities Commission of the City of Port Arthur is hereby dissolved on the 1st day of January, 1970, and, in so far as they pertain to the distribution and supply of electrical power and energy, all the assets under the control and management of such Commission and all liabilities of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation.

No utility commission, to be established

(6) No other public utilities commission shall be established by the City.

Public library board

9.—(1) A public library board for the City to be known as "The Lakehead Public Library Board" is hereby established on the 1st day of January, 1970, and shall be deemed to have been established under Part I of *The Public Libraries Act, 1966*, and the first appointments thereto shall be made at the first meetings of the appointing bodies after the 1st day of January, 1970.

1966, c. 128

Library boards dissolved

(2) The public library boards of the City of Fort William and the City of Port Arthur are hereby dissolved on the 1st day of January, 1970, and all their assets and liabilities shall become, on that date, assets and liabilities of The Lakehead Public Library Board without compensation.

Planning Area

10.—(1) The Lakehead Planning Area shall continue as a joint planning area under *The Planning Act*, and the City shall be the designated municipality within the meaning of *The Planning Act*.

R.S.O. 1960, c. 296

Subsidiary planning areas dissolved

(2) On the 1st day of January, 1970, the subsidiary planning area of the City of Fort William and the subsidiary planning area of the City of Port Arthur, together with the planning boards thereof, are dissolved, and the geographic townships of McIntyre and Neebing are withdrawn respectively from the subsidiary planning areas of Shuniah and Neebing.

Official plans in effect

(3) Notwithstanding subsection 2,

(*a*) the official plans in effect in the City of Fort William and the City of Port Arthur; and

(*b*) the official plans in effect in The Corporation of the Municipality of Shuniah and The Corporation of the Municipality of Neebing as they relate to the geographic townships of McIntyre and Neebing,

shall continue in effect until altered or repealed by the council of the City under *The Planning Act*.

Subsidiary planning area and board

(4) The City is constituted a subsidiary planning area of The Lakehead Planning Area on the 1st day of January, 1970, and the council of the City shall be the planning board of the subsidiary planning area.

Interpretation

11. In sections 12, 13 and 14,

(*a*) "commercial assessment" means the total of,

(i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that

is

is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal or regional corporation or local board thereof, and

(ii) the business assessment, and

(iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 9 of *The Assessment Act*, R.S.O. 1960, c. 23

according to the last revised assessment rolls;

(*b*) "residential assessment" means the total assessment for real property according to the last revised assessment rolls except the assessments for real property mentioned in subclauses i and iii of clause *a*.

12.—(1) The council of the City shall levy, as provided in this section, the sums adopted for general purposes in accordance with section 297 of *The Municipal Act*, together with a sum equal to the aggregate of the sums required by law to be provided by the council for any board, commission or other body, except a school board. Rates R.S.O. 1960, c. 249

(2) The Department in each year shall revise and equalize, by the application of the latest equalization factors of the Department, the last revised assessment rolls for each of the wards of the City as returned in the preceding year, which revision and equalization shall be final and binding. Equalization of assessment

(3) Upon completion by the Department of the equalized assessment reports, the Department shall mail a copy thereof to the City. Reports

(4) The amount to be raised by the City in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied under subsection 1 that the commercial assessment of the City bears to the total assessment of the City both according to the last revised assessment roll as equalized by the Department under subsection 2. Levy on commercial assessment

(5)

Levy on residential assessment

(5) The amount to be raised by the City in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum to be levied under subsection 1 that the residential assessment of the City bears to the total assessment of the City, both according to the last revised assessment roll as equalized by the Department under subsection 2, reduced by the sum equal to the estimated revenue from payments to be received in that year by the City under section 7 of *The Municipal Unconditional Grants Act.*

R.S.O. 1960, c. 259

Apportionment among wards

(6) All sums levied under subsection 1 shall be apportioned among the wards of the City in the following manner:

Commercial

1. The amount, as ascertained in accordance with subsection 4, to be raised by the City in each year by levy on the commercial assessment shall be apportioned among the wards in the proportion that the total commercial assessment in each ward bears to the total commercial assessment in the City, both according to the last revised assessment roll as equalized by the Department under subsection 2.

Residential

2. The amount, as ascertained in accordance with subsection 5, to be raised by the City in each year by levy on the residential assessment shall be apportioned among the wards in the proportion that the total residential assessment in each ward bears to the total residential assessment in the City, both according to the last revised assessment roll as equalized by the Department under subsection 2.

Levy on commercial assessment in wards

(7) The council of the City shall levy on the whole of the commercial assessment in each ward, according to the last revised assessment roll, the amount ascertained for that ward in accordance with paragraph 1 of subsection 6.

Levy on residential assessment in wards

(8) The council of the City shall levy on the whole of the residential assessment in each ward, according to the last revised assessment roll, the amount ascertained for that ward in accordance with paragraph 2 of subsection 6.

Application

(9) The provisions of this section apply only in the years 1970, 1971 and 1972.

Levy before estimates adopted, on real property

13.—(1) Notwithstanding section 12, in the years 1970, 1971 and 1972, the council of the City may by by-law passed before the adoption of the estimates in each year levy, before the adoption of the estimates, on the whole of the assessment for real property, according to the last revised assessment roll, a rate not exceeding 55 mills.

(2)

(2) If the council of the City has not provided for taking the assessment of business during the year in which the rates of taxation thereon are to be levied under section 130 of *The Assessment Act*, the council, notwithstanding section 12, in the years 1970, 1971 and 1972 may by by-law passed before the adoption of the estimates in each year levy, before the adoption of the estimates, on the whole of the business assessment, according to the last revised assessment roll, a rate not exceeding 55 mills. on business assessment; R.S.O. 1960, c. 23

(3) If in any year a levy is made under this section, the amount required to be raised in that year by levy under section 12 shall be reduced by the amount to be raised by the levy under this section. Levy under section 12 to be reduced

(4) Subsection 3 of section 294*a* of *The Municipal Act* applies to levies made under this section. Application of R.S.O. 1960, c. 249, s. 294*a*, subs. 3

(5) The council of the City shall not pass by-laws under section 294*a* of *The Municipal Act* in the years 1970, 1971 and 1972. By-laws not to be passed under R.S.O. 1960, c. 249, s. 294*a*

14.—(1) The council of the City shall impose in the years 1970, 1971, 1972 and 1973 lower rates of taxation in the McIntyre and Neebing Wards by the number of mills specified by order of the Minister, on the whole of the assessment for real property and business assessment, according to the last revised assessment roll, than those imposed on such assessment in the remainder of the City. Reduction in rates in McIntyre and Neebing Wards

(2) The council of the City shall include in the estimates to be adopted for the years 1970, 1971, 1972 and 1973 the respective amounts of the reductions granted to McIntyre and Neebing Wards as required in subsection 1. Amount of reduction to be included in estimates

15.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the wards of the City shall be deemed to be municipalities, and the council of the City shall be deemed to be the council of each of such wards. Rates under R.S.O. 1960, c. 368

(2) The amount required to be levied and collected by the City for public school purposes on commercial assessment and residential and farm assessment as determined under section 105 of *The Schools Administration Act* shall be apportioned among the wards in the ratio that the total assessment for public school purposes in each ward bears to the total assessment for public school purposes in the City, both as equalized in accordance with subsection 2 of section 12. Rates for public school purposes; R.S.O. 1960, c. 361

(3) The amounts required to be levied and collected by the City for secondary school purposes on commercial assessment and residential and farm assessment as determined under Rates for secondary school purposes

section

R.S.O. 1960, c. 361

section 105 of *The Schools Administration Act* shall be apportioned among the wards in the ratio that the total assessment for secondary school purposes in each ward bears to the total assessment for secondary school purposes in the City, both as equalized in accordance with subsection 2 of section 12.

Application

(4) The provisions of this section apply only in the years 1970, 1971 and 1972.

Urban service, interpretation

16.—(1) In this section,

(*a*) "cost" includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing an urban service, the cost of managing, operating and maintaining such urban service, the cost of any land, buildings and equipment necessary for providing an urban service, and the cost of the issue and sale of debentures for an urban service and any discount allowed to the purchasers of them;

(*b*) "urban service" means,

(i) the collection and disposal of sewage and land drainage, or

(ii) the collection, removal and disposal of ashes, garbage and other refuse, or

(iii) street lighting.

Areas of urban service

(2) With the approval of the Municipal Board, the council of the City shall by by-law designate the areas in which an urban service is provided by the City.

Levy in areas

R.S.O. 1960, cc. 223, 249

(3) The aggregate amount of the sums necessary in each year to pay the cost of an urban service in a designated area, including the City's portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area and no part of the cost of providing such urban service shall be levied on any part of the City lying outside the designated area.

Special payments

17. The City shall make payments to The Corporation of the Municipality of Neebing or its successors as follows:

1. In the year 1970—$15,000

2. In the year 1971—$11,250

3. In the year 1972— $7,500

4. In the year 1973— $3,750

Organization committee

18. The members of the council of the City elected in the year 1969 shall comprise a committee to do anything necessary for the purposes of organization, policy and planning, and the councils of the municipalities concerned may include in their estimates for the year 1969 such amounts as may be agreed upon for the purposes of the committee in the year 1969.

Offer of employment

19.—(1) The council of the City shall offer to employ every person who was employed on the 1st day of April, 1969, and continues to be employed on the 31st day of December, 1969, by the City of Fort William, the City of Port Arthur, The Corporation of the Municipality of Shuniah, The Corporation of the Municipality of Neebing or The Gardens Board or The Board of Parks and Recreation of the City of Fort William or The Recreation and Community Centres Board of the City of Port Arthur or by The Public Utilities Commission of the City of Port Arthur who are employed in relation to an undertaking other than the distribution and supply of electrical power and energy.

Idem

(2) The Hydro-Electric Commission of The Lakehead shall offer to employ every person who was employed on the 1st day of April, 1969, and continues to be employed on the 31st day of December, 1969, by The Hydro-Electric Commission of the City of Fort William or by The Public Utilities Commission of the City of Port Arthur in relation to the distribution and supply of electrical power and energy.

Idem

(3) The Lakehead Public Library Board shall offer to employ every person who was employed on the 1st day of April, 1969, and continues to be employed on the 31st day of December, 1969, by The Public Library Board of the City of Fort William or of the City of Port Arthur.

Guarantee of salary

(4) Any person who accepts employment under subsection 1, 2 or 3 shall be guaranteed a salary not less than he was receiving on the 1st day of April, 1969, irrespective of any retroactive salary increases, and such salary shall be guaranteed up to and including the 31st day of December, 1970.

Sick leave credits

(5) Any sick leave credits standing on the 31st day of December, 1969, to the credit of any person who accepts employment under subsection 1, 2 or 3 shall be placed to the credit of such employee in the sick leave credit plan established by the new employer.

Holidays

(6) Any person who accepts employment under subsection 1, 2 or 3 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipalities or local board mentioned in subsection 1 by which he was formerly employed.

Amalgamation and annexations deemed by order of O.M.B.

20.—(1) For the purposes of every Act,

(*a*) the cities of Fort William and Port Arthur shall be deemed to have been amalgamated by order of the Municipal Board; and

(*b*) the geographic townships of McIntyre and Neebing shall be deemed to have been annexed to the amalgamated municipality by orders of the Municipal Board,

and such orders are not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act and shall be deemed to have been made on the day this section comes into force pursuant to applications made under section 14 of *The Municipal Act*, and subject to the provisions of this Act, the Municipal Board, upon the application of the City, The Corporation of the Municipality of Neebing or The Corporation of the Municipality of Shuniah or any local board of any of them or of its own motion, may exercise its powers consequent upon such amalgamation and annexations, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

R.S.O. 1960, cc. 249, 274

Assets and liabilities of cities

(2) All the assets and liabilities of the City of Fort William and the City of Port Arthur become assets and liabilities of the City on the 1st day of January, 1970, without compensation.

Disputes as to assets and liabilities

(3) In the event of any doubt as to whether any particular asset or liability of The Public Utilities Commission of Port Arthur is vested in the City under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

21. The by-laws of the cities of Fort William and Port Arthur and the by-laws of The Corporation of the Municipality of Neebing in so far as they pertain to the geographic township of Neebing and the by-laws of The Corporation of the Municipality of Shuniah in so far as they pertain to the geographic township of McIntyre shall remain in force in the former municipalities or geographic townships, as the case may be, until repealed by the council of the City. By-laws to remain in force

22. The provisions of any special Act, in so far as they are not inconsistent with any of the provisions of this Act, relating to the City of Fort William, the City of Port Arthur, the geographic township of Neebing or the geographic township of McIntyre apply to the City. Application of special Acts

23. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. Conflict with other Acts

24. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purpose of this Act. Conditional powers

25. The following Acts and parts of Acts, together with any by-laws passed thereunder, are repealed effective the 1st day of January, 1970: Repeal

1. Section 18 of *An Act to incorporate the Town of Fort William.* 1892, c. 70, s. 18
2. Section 6 of *An Act respecting the Town of Fort William, 1903.* 1903, c. 52, s. 6
3. Section 11 of *The Port Arthur Act, 1905.* 1905, c. 69, s. 11
4. Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 31 of *An Act to incorporate the City of Fort William and for Other Purposes.* 1907, c. 66, ss. 14-27, 31
5. Section 3 of *An Act respecting the City of Fort William, 1909.* 1909, c. 106, s. 3
6. Section 3 of *An Act respecting the City of Fort William.* 1910, c. 114, s. 3
7. Sections 2, 8 and 9 of *An Act respecting the City of Fort William.* 1911, c. 88, ss. 2, 8, 9

1911, c. 101, ss. 2, 5

8. Sections 2 and 5 of *The City of Port Arthur Act, 1911.*

1912, c. 96, s. 3

9. Section 3 of *The City of Fort William Act, 1912.*

1914, c. 88, s. 7

10. Section 7 of *An Act respecting the City of Port Arthur.*

1933, c. 92, s. 8

11. Section 8 of *The City of Port Arthur Act, 1933.*

1939, c. 68

12. *The Cities of Port Arthur and Fort William Act, 1939.*

1951, c. 100

13. *The City of Fort William Act, 1951.*

1952, c. 120

14. Section 1 of *The City of Fort William Act, 1952.*

1956, c. 115

15. *The City of Port Arthur Act, 1956.*

1958, c. 135

16. *The City of Fort William Act, 1958.*

1966, c. 181

17. *The City of Port Arthur Act, 1966.*

Commencement

26. This Act comes into force on the day it receives Royal Assent.

Short title

27. This Act may be cited as *The City of The Lakehead Act, 1968-69.*

CHAPTER 57

An Act to amend The Land Titles Act

Assented to May 13th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

1*a*. The Minister of Justice and Attorney General is responsible for the administration of this Act. Minister of Justice and Attorney General

2. Subsection 1 of section 2 of *The Land Titles Act*, as re-enacted by section 2 of *The Land Titles Amendment Act, 1961-62* and amended by section 2 of *The Land Titles Amendment Act, 1966*, is further amended by adding thereto the following clauses: R.S.O. 1960, c. 204, s. 2, 1961-62, c. 70, s. 2, subs. 1, amended

(*m*) that part of the County of Middlesex comprising the registry division of the west riding of the County of Middlesex, including every local municipality in that registry division;

(*n*) the County of Hastings, including every local municipality in the county except the City of Belleville and the separated Town of Trenton;

(*o*) the County of Bruce, including every local municipality in the county;

(*p*) that part of the County of Durham comprising the registry division of the west riding of the County of Durham, including every local municipality in that registry division.

3.—(1) Subsection 1 of section 5*a* of *The Land Titles Act*, as enacted by section 3 of *The Land Titles Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 5*a*, 1966, c. 77, s. 3, subs. 1, re-enacted

(1) Subject to subsection 2 of section 4 and except as provided by subsection 2, every land titles office shall be combined with the registry office for the registry division to which this Act has been extended. Operation of land titles offices

R.S.O. 1960, c. 204, s. 5*a* (1966, c. 77, s. 3), subs. 3, repealed

(2) Subsection 3 of the said section 5*a* is repealed.

R.S.O. 1960, c. 204, s. 6, amended

4. Section 6 of *The Land Titles Act* is amended by adding thereto the following subsections:

Duties of Director of Land Registration

(2) Any reference in this Act to the Inspector or to the Inspector of Legal Offices shall be deemed to be a reference to the Director of Land Registration appointed under *The Registry Act*.

R.S.O. 1960, c. 348

Idem

(3) The Director of Land Registration has general supervision and control over land titles offices and the system for registration therein.

R.S.O. 1960, c. 204, s. 8, subs. 1, re-enacted

5. Subsection 1 of section 8 of *The Land Titles Act* is repealed and the following substituted therefor:

Duties of director of titles

(1) The director of titles shall supervise and determine all matters relating to titles of land to which this Act applies.

R.S.O. 1960, c. 204, s. 9 (1966, c. 77, s. 5), subs. 1, repealed

6. Subsection 1 of section 9 of *The Land Titles Act*, as re-enacted by section 5 of *The Land Titles Amendment Act, 1966*, is repealed.

R.S.O. 1960, c. 204, s. 11, subs. 2, re-enacted; subs. 3, repealed

7. Subsections 2 and 3 of section 11 of *The Land Titles Act* are repealed and the following substituted therefor:

Assistant examiners of surveys

(2) The Lieutenant Governor in Council may appoint one or more persons to be assistant examiners of surveys who shall assist the examiner of surveys in the performance of his duties.

R.S.O. 1960, c. 204, s. 15, re-enacted

8. Section 15 of *The Land Titles Act* is repealed and the following substituted therefor:

Oath of office

15. Every officer appointed under this Act, before he enters upon the duties of his office, shall take and subscribe an oath in the prescribed form, which shall be transmitted by him to the Director of Land Registration.

R.S.O. 1960, c. 204, s. 29 (1966, c. 77, s. 12), re-enacted

9. Section 29 of *The Land Titles Act*, as re-enacted by section 12 of *The Land Titles Amendment Act, 1966*, is repealed and the following substituted therefor:

Right to appeal

29.—(1) Except as provided by subsection 3 of section 162, an appeal lies from any act, order or decision of the Director of Land Registration, the director of titles or a master of titles under this Act to a judge of

the

the county or district court of the county or district in which the land to which the decision relates is situate or of such other county or district as the parties agree to.

(2) An appeal lies from a decision of a judge of a county or district court under subsection 1 to the Court of Appeal. Idem

10.—(1) Subsection 2 of section 50 of *The Land Titles Act* is amended by striking out "upon payment of his proper fees" in the first line, so that the subsection shall read as follows: R.S.O. 1960, c. 204, s. 50, subs. 2, amended

(2) The registrar shall comply with the request and shall transmit the instruments by registered mail or by express and shall send therewith a list of the instruments transmitted and shall retain a copy of the list. Duty of registrar

(2) Subsection 4 of the said section 50 is repealed. R.S.O. 1960 c. 204, s. 50, subs. 4, repealed

11. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

133*a*.—(1) A person referred to in subsection 1 of section 133 shall not be entered as owner unless the consent under the *Estate Tax Act* (Canada) is attached to the application in the same manner as the consent of the Minister of Revenue. Registration of consent under 1958, c. 29, s. 43, subs. 1, (Can.)

(2) Subsection 1 applies only, Idem

(*a*) where the death of the registered owner occurred after the 31st day of December, 1958; and

(*b*) where the application referred to in subsection 1 of section 133 is made on or after the day on which this section comes into force.

12. Subsection 8 of section 145 of *The Land Titles Act*, as re-enacted by section 37 of *The Land Titles Amendment Act, 1961-62*, is amended by striking out "and of that amount the sheriff shall pay over $1 to the proper master of titles" in the seventh and eighth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 204, s. 145, subs. 8 (1961-62, c. 70, s. 37), amended

(8) Where a copy of a writ of execution or a renewal thereof is delivered or transmitted to the proper master of titles under subsection 1, the sheriff shall be paid by the person upon whose request the copy Fee

is

is delivered or transmitted a fee of $3 in addition to any other fee payable to the sheriff on the filing of the writ.

R.S.O. 1960, c. 204, s. 153, subs. 8, repealed

13. Subsection 8 of section 153 of *The Land Titles Act* is repealed.

R.S.O. 1960, c. 204, s. 154*b* (1961-62, c. 70, s. 39), repealed

14. Section 154*b* of *The Land Titles Act*, as enacted by section 39 of *The Land Titles Amendment Act, 1961-62*, is repealed.

R.S.O. 1960, c. 204, s. 162, subs. 3 (1966, c. 77, s. 22, subs. 2), re-enacted

15. Subsection 3 of section 162 of *The Land Titles Act*, as re-enacted by subsection 2 of section 22 of *The Land Titles Amendment Act, 1966*, is repealed and the following substituted therefor:

Appeal

(3) An appeal lies from any decision made under this section to the Court of Appeal.

R.S.O. 1960, c. 204, amended

16. *The Land Titles Act* is amended by adding thereto the following section:

Integration of land titles and registry records and procedures R.S.O. 1960, c. 348

172*b*. The provisions of this Act respecting the procedures and records in land titles offices are subject to any regulation made under section 126*a* of *The Registry Act*.

R.S.O. 1960, c. 204, s. 176, subs. 4, re-enacted

17. Subsection 4 of section 176 of *The Land Titles Act* is repealed and the following substituted therefor:

Return address

(4) The envelope containing a notice under this Act shall have printed thereon the return address of the office of land titles.

R.S.O. 1960, c. 204, s. 177, subs. 2 (1961-62, c. 70, s. 46), re-enacted

18. Subsection 2 of section 177 of *The Land Titles Act*, as re-enacted by section 46 of *The Land Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Idem

(2) The proper master of titles may, upon the request of the council of a municipality, furnish photographic or electrostatic copies of instruments or parts thereof instead of a list, in which case the master is entitled to such fee as is agreed upon by the master and the council and approved by the Director of Land Registration.

1960, c. 56, s. 27, repealed

19. Section 27 of *The Land Titles Amendment Act, 1960* is repealed.

20.—(1) This Act, except sections 4, 8, 9 and 11, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 4, 8, 9 and 11 come into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

21. This Act may be cited as *The Land Titles Amendment Act, 1968-69*. Short title

CHAPTER

CHAPTER 58

An Act to amend The Landlord and Tenant Act

Assented to December 17th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Landlord and Tenant Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 206, s. 1, amended

(*ba*) "residential premises" means premises used for residential purposes, and does not include premises occupied for business purposes with living accommodation attached under a single lease.

2. *The Landlord and Tenant Act* is amended by adding thereto the following section: R.S.O. 1960, c. 206, amended

1*a*. The provisions of Parts I, II and III of this Act in so far as they apply to tenancies of residential premises are subject to Part IV. Application

3. *The Landlord and Tenant Act* is amended by adding thereto the following Part: R.S.O. 1960, c. 206, amended

PART IV

RESIDENTIAL TENANCIES

80. In this Part, Interpretation

(*a*) "security deposit" means money or any property or right paid or given by a tenant of residential premises to a landlord or his agent or to anyone on his behalf to be held by or for the account of the landlord as security for the performance of an obligation or the payment of a liability of the tenant or to be returned to the tenant upon the happening of a condition;

(*b*)

(*b*) "tenancy agreement" means an agreement between a tenant and a landlord for possession of residential premises, whether written, oral or implied.

Application of Part

81.—(1) This Part applies to tenancies of residential premises and tenancy agreements notwithstanding any other Act or Parts I, II or III of this Act and notwithstanding any agreement or waiver to the contrary except as specifically provided in this Part.

Application to existing tenancies

(2) Except where otherwise expressly provided in this Part, this Part applies to tenancies under tenancy agreements entered into or renewed before and subsisting when this Part comes into force or entered into after this Part comes into force.

Delivery of copy of tenancy agreement

82.—(1) Where a tenancy agreement in writing is executed by a tenant after this Part comes into force, the landlord shall ensure that a fully executed duplicate original copy of the tenancy agreement is delivered to the tenant within twenty-one days after its execution and delivery by the tenant.

Failure to deliver copy of tenancy agreement

(2) Where the copy of a tenancy agreement is not delivered in accordance with subsection 1, the obligations of the tenant thereunder cease until such copy is delivered to him.

Security deposits

83.—(1) A landlord shall not require or receive a security deposit from a tenant under a tenancy agreement entered into or renewed after this Part comes into force other than the rent for a rent period not exceeding one month, which payment shall be applied in payment of the rent for the last rent period under the tenancy agreement.

Interest

(2) A landlord shall pay annually to the tenant interest on the security deposit for rent referred to in subsection 1 at the rate of 6 per cent per year.

Post-dated cheques

(3) After this Part comes into force, a landlord or a tenancy agreement shall not require the delivery of any post-dated cheque or other negotiable instrument to be used for payment of rent.

Security deposits already held

84.—(1) This section applies to security deposits held by landlords at the time this Part comes into force, other than security deposits for rent only as described in section 83.

(2) The landlord shall pay interest annually on any moneys held by him as a security deposit at the rate of 6 per cent per year. Interest

(3) Subject to subsection 4, the landlord shall pay the security deposit to the tenant, together with the unpaid interest that has accrued thereon, within fifteen days after the tenancy is terminated or renewed, but a judge of the county or district court of the county or district in which the premises are situate may, upon summary application therefor, extend the time to such longer period as he considers proper. Repayment

(4) Where the landlord proposes to retain any amount out of the security deposit, he shall so notify the tenant together with the particulars of and grounds for the retention and he shall not retain such amount unless, Retentions

(*a*) the tenant consents thereto in writing after receipt of the notice; or

(*b*) he obtains an order of the judge under subsections 5 and 6.

(5) A landlord may apply to a judge of the county or district court in the county or district in which the premises are situate for an order authorizing the retention of all or part of a security deposit in the same manner as upon an application for termination of a tenancy and section 105 applies to the application *mutatis mutandis*. Order for retention

(6) Upon an application under subsection 5, the judge may dismiss the application or order that all or part of the security deposit be retained by the landlord to be applied on account of any obligation or liability of the tenant for which the security deposit was taken. Idem

85.—(1) No landlord shall distrain for default in the payment of rent whether a right of distress has heretofore existed by statute, the common law or contract. Distress abolished

(2) Subsection 1 applies to default in payment of rent under a tenancy agreement entered into or renewed after this section comes into force and to default in payment under a tenancy agreement for a periodic tenancy of rent accruing after this section comes into force. Application of subsection 1

Interesse termini abolished

86.—(1) The doctrine of *interesse termini* is hereby abolished.

Idem.

(2) All tenancy agreements are capable of taking effect at law or in equity from the date fixed for commencement of the term, without actual entry.

Application of section

(3) This section applies to tenancy agreements entered into or renewed after this section comes into force.

Frustration

R.S.O. 1960, c. 157

87. The doctrine of frustration of contract applies to tenancy agreements and *The Frustrated Contracts Act* applies thereto.

Covenants inter-dependent

88. Subject to this Part, the common law rules respecting the effect of the breach of a material covenant by one party to a contract on the obligation to perform by the other party apply to tenancy agreements.

Covenants *in posse* and *in esse*

89. Covenants concerning things related to the rented premises run with the land whether or not the things are in existence at the time of the demise.

Right to assign or sublet

90.—(1) Subject to subsection 3, a tenant has the right to assign, sublet or otherwise part with possession of the rented premises.

Exception

(2) Subsection 1 does not apply to a tenant of premises administered by or for the Government of Canada or Ontario or a municipality, or any agency thereof, developed and financed under the *National Housing Act, 1954* (Canada).

1953-54, c. 23 (Can.)

Consent

(3) A tenancy agreement may provide that the right of a tenant to assign, sublet or otherwise part with possession of the rented premises is subject to the consent of the landlord, and, where it is so provided, such consent shall not be arbitrarily or unreasonably withheld.

Charges

(4) A landlord shall not make any charge for giving his consent referred to in subsection 3, except his reasonable expenses incurred thereby.

Determination of disputes

(5) A landlord or tenant may apply by summary application to a judge of the county or district court of the county or district in which the premises are situate who may determine any question arising under subsection 3 or 4.

Mitigation of damages

91. Where a tenant abandons the premises in breach of the tenancy agreement, the landlord's right to damages is subject to the same obligation to mitigate his damages as applies generally under the rule of law relating to breaches of contract.

Privacy

92. Except in cases of emergency and except where the landlord has a right to show the premises to prospective tenants at reasonable hours after notice of termination of the tenancy has been given, the landlord shall not exercise a right to enter the rented premises unless he has first given written notice to the tenant at least twenty-four hours before the time of entry, and the time of entry shall be during daylight hours and specified in the notice, except that nothing in this section shall be construed to prohibit entry with the consent of the tenant given at the time of entry.

Entry by canvassers

93. No landlord or servant or agent of a landlord shall restrict reasonable access to the rented premises by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly, any office in a municipal government or a school board for the purpose of canvassing or distributing election material.

Alteration of locks

94. A landlord or tenant shall not, during occupancy of the rented premises by the tenant, alter or cause to be altered the locking system on any door giving entry to the rented premises except by mutual consent.

Landlord's responsibility to repair

95.—(1) A landlord is responsible for providing and maintaining the rented premises in a good state of repair and fit for habitation during the tenancy and for complying with health and safety standards, including any housing standards required by law, and notwithstanding that any state of non-repair existed to the knowledge of the tenant before the tenancy agreement was entered into.

Tenant's responsibility for cleanliness and damage

(2) The tenant is responsible for ordinary cleanliness of the rented premises and for the repair of damage caused by his wilful or negligent conduct or that of persons who are permitted on the premises by him.

Enforcement

(3) The obligations imposed under this section may be enforced by summary application to a judge of the county or district court of the county or district in which the premises are situate and the judge may,

(*a*) terminate the tenancy subject to such relief against forfeiture as the judge sees fit;

(*b*) authorize any repair that has been or is to be made and order the cost thereof to be paid by the person responsible to make the repair, such cost to be recovered by due process or by set-off;

(c) make such further or other order as the judge considers appropriate.

Application

(4) This section applies to tenancies under tenancy agreements entered into or renewed after this section comes into force and to periodic tenancies on the first anniversary date of such tenancies after this section comes into force and in all other cases the law applies as it existed immediately before this section comes into force.

Relief against acceleration clauses

96.—(1) Where default has occurred in the payment of rent due under a tenancy agreement or in the observance of any obligation of the tenant and under the terms of the tenancy agreement, by reason of such default, the whole or any part of remaining rent for the term of the tenancy has become due and payable, at any time before or after the commencement of an action for the enforcement of the rights of the landlord and before judgment, the tenant may,

(*a*) pay the rent due, exclusive of the rent not payable by reason merely of lapse of time; or

(*b*) perform the obligation, and pay any expenses necessarily incurred by the landlord,

and thereupon he is relieved from the consequences of the default.

Disputes

(2) A landlord or tenant may apply by summary application to a judge of the county or district court of the county or district in which the premises are situate who may determine any question as to whether a tenant is entitled to relief under this section.

TERMINATION OF TENANCIES

Notice of termination of tenancy

97.—(1) A weekly or monthly or year to year tenancy may be terminated by either the landlord or the tenant upon notice to the other and, unless otherwise agreed upon, the notice,

(*a*) shall meet the requirements of section 98;

(*b*) shall be given in the manner prescribed by section 99; and

(*c*) shall be given in sufficient time to give the period of notice required by section 100, 101 or 102, as the case may be.

Idem

(2) Any other kind of tenancy determinable on notice may, unless otherwise agreed upon, be terminated as provided by sections 98 and 99.

Form of notice

98.—(1) A landlord or a tenant may give notice to terminate either orally or in writing, but a notice by a landlord to a tenant is not enforceable under section 105 unless it is in writing.

Content of notice

(2) A notice in writing,

(*a*) shall be signed by the person giving the notice or his agent;

(*b*) shall identify the premises in respect of which the notice is given; and

(*c*) shall state the date on which the tenancy is to terminate or that the tenancy is to terminate on the last day of the period of the tenancy next following the giving of the notice.

Idem

(3) A notice may state both,

(*a*) the date on which the tenancy is to terminate; and

(*b*) that the tenancy is to terminate on the last day of the period of the tenancy next following the giving of the notice,

and if it does state both and the date on which the tenancy is to terminate is incorrectly stated, the notice is nevertheless effective to terminate the tenancy on the last day of the period of the tenancy next following the giving of the notice.

Forms 4 and 5

(4) A notice need not be in any particular form, but a notice by a landlord to a tenant may be in Form 4 and a notice by a tenant to a landlord may be in Form 5.

Manner of giving notice

99.—(1) Notice to terminate shall be given in the manner prescribed in section 108.

Substitutional service

(2) Where the tenant cannot be given notice by reason of his absence from the premises, or by reason of his evading service, the notice may be given to the tenant,

(*a*) by giving it to any adult person who apparently resides with the tenant; or

(*b*) by posting it up in a conspicuous place upon some part of the premises; or

(*c*) by sending it by registered mail to the tenant at the address where he resides.

Notice to terminate weekly tenancy

100.—(1) A notice to terminate a weekly tenancy shall be given on or before the last day of one week of the tenancy to be effective on the last day of the following week of the tenancy.

Idem

(2) For the purposes of this section, "week of the tenancy" means the weekly period on which the tenancy is based and not necessarily a calendar week and, unless otherwise specifically agreed upon, the week shall be deemed to begin on the day upon which rent is payable.

Notice to terminate monthly tenancy

101.—(1) A notice to terminate a monthly tenancy shall be given on or before the last day of one month of the tenancy to be effective on the last day of the following month of the tenancy.

Idem

(2) For the purposes of this section, "month of the tenancy" means the monthly period on which the tenancy is based and not necessarily a calendar month and, unless otherwise specifically agreed upon, the month shall be deemed to begin on the day upon which rent is payable.

Notice to terminate yearly tenancy

102.—(1) A notice to terminate a year to year tenancy shall be given on or before the sixtieth day before the last day of any year of the tenancy to be effective on the last day of that year of the tenancy.

Idem

(2) For the purposes of this section, "year of the tenancy" means the yearly period on which the tenancy is based and not necessarily a calendar year, and unless otherwise agreed upon, the year shall be deemed to begin on the day, or the anniversary of the day, on which the tenant first became entitled to possession.

Posting up notice provisions

103. Where a landlord rents more than one residential premises in the same building and retains possession of part for use of all tenants in common, the landlord shall post up conspicuously and maintain posted a copy of sections 97 to 102 and section 108, together with the legal name of the landlord and his address for service, and any proceeding taken by or on behalf of a tenant may be commenced against the landlord in the name so posted.

Compensation when premises not vacated

104.—(1) A landlord is entitled to compensation for the use and occupation of premises after the tenancy has been terminated by notice.

Effect of payment by overholding tenant where tenancy terminated on notice

(2) The acceptance by a landlord of arrears of rent or compensation for use or occupation of the premises after notice of termination of the tenancy has been given does not operate as a waiver of the notice or as a reinstatement of the tenancy or as the creation of a new tenancy unless the parties so agree.

Burden of proof

(3) The burden of proof that the notice has been waived or the tenancy has been reinstated or a new tenancy created is upon the person so claiming.

Enforcement of claim

(4) A landlord's claim for arrears of rent or compensation for use and occupation by a tenant after the expiration or termination of the tenancy may be enforced by action or on summary application as provided in section 105.

Application for order declaring tenancy agreement terminated

105.—(1) A landlord or tenant may apply by summary application to the judge of the county or district court of the county or district in which the premises are situate for an order declaring that the tenancy agreement is terminated.

Contents of application

(2) An application shall state the grounds upon which the tenancy agreement is alleged to be terminated.

Appointment

(3) The judge shall in writing appoint a time and place for the hearing and the applicant shall serve a notice of the appointment and a copy of the application upon the other parties to the tenancy agreement at least fifteen days before the day appointed.

Order

(4) After a hearing, the judge shall determine the question of whether the tenancy agreement is terminated in whole or in part and may make an order for a writ of possession or such other relief as may be equitable in the circumstances.

Recovery of possession

106.—(1) Unless a tenant has vacated or abandoned rented premises, the landlord shall not regain possession of the premises on the grounds he is entitled to possession except under the authority of a writ of possession obtained under section 105 or under Part III.

Defences to proceedings for possession

(2) In any proceeding by a landlord for possession, if it appears to the judge that,

(*a*) the notice to quit was given because of the tenant's complaint to any governmental authority of the landlord's violation of any statute or municipal by-law dealing with health or safety standards, including any housing standard law; or

(*b*) the notice to quit was given because of the tenant's attempt to secure or enforce his legal rights,

the judge may refuse to grant an order or writ for possession and may declare the notice to quit invalid and the notice to quit shall be deemed not to have been given.

Penalties

107.—(1) Any person who knowingly contravenes section 83, 84, 93, 94 or 106 is guilty of an offence and on summary conviction is liable to a fine not exceeding $1,000.

Order for payment of security deposit

(2) Where a landlord is convicted of the offence of contravening section 83 or 84, the provincial judge making the conviction may order the landlord to pay to the tenant the security deposit or any part thereof that is unpaid.

Service of notices, etc.

108.—(1) Except as otherwise provided in this Part,

(*a*) any notice, process or document required or permitted to be delivered or given by a tenant to a landlord is sufficiently given or delivered if delivered personally to the landlord or his agent or sent by ordinary mail addressed to the landlord at the address posted under section 103;

(*b*) any notice, process or document required or permitted to be delivered or given by a landlord to a tenant shall be given or delivered personally to the tenant.

(2) Where a document is given or delivered by mail, it shall be deemed to have been given or delivered on the third day after the date of mailing. Idem

(3) Notwithstanding subsections 1 and 2, a judge may order any other method of service in respect of any matter before him. Exception

LANDLORD AND TENANT ADVISORY BUREAU

109.—(1) In this section, "municipality" means a local municipality and includes a metropolitan municipality and a regional municipality but does not include an area municipality thereof. Municipality defined

(2) The council of a municipality may by by-law establish a Landlord and Tenant Advisory Bureau. By-laws to establish Landlord and Tenant Advisory Bureau

(3) The functions of a Landlord and Tenant Advisory Bureau are, Functions of Bureau

(*a*) to advise landlords and tenants in tenancy matters;

(*b*) to receive complaints and seek to mediate disputes between landlords and tenants;

(*c*) to disseminate information for the purpose of educating and advising landlords and tenants concerning rental practices, rights and remedies; and

(*d*) to receive and investigate complaints of conduct in contravention of legislation governing tenancies.

4. *The Landlord and Tenant Act* is amended by adding thereto the following forms: R.S.O. 1960, c. 206, amended

FORM 4

NOTICE TO TENANT

To.....
(*Name of Tenant*)

I hereby give you notice to deliver up possession of the premises

.....
(*identify the premises*)

which you hold of me as tenant, on the.....day of..... next, or on the last day of the period of your tenancy next following the giving of this notice.

Dated this.....day of....., 19.....

.....
(*Landlord*)

FORM

FORM 5

NOTICE TO LANDLORD

To.....
(Name of Landlord)

I hereby give you notice that I am giving up possession of the premises

.....
(identify the premises)

which I hold of you as tenant, on the.....day of..... next, or on the last day of the period of my tenancy next following the giving of this notice.

Dated this.....day of....., 19.....

.....
(Tenant)

Commencement

5. This Act comes into force on the 1st day of January, 1970.

Short title

6. This Act may be cited as *The Landlord and Tenant Amendment Act, 1968-69.*

CHAPTER 59

An Act to amend The Law Enforcement Compensation Act, 1967

Assented to June 27th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Law Enforcement Compensation Act, 1967* is amended by adding thereto the following clause: 1967, c. 45, s. 1, amended

(*ca*) "peace officer" means a peace officer as defined in the *Criminal Code* (Canada). 1953-54, c. 51 (Can.)

2. Subsection 1 of section 3 of *The Law Enforcement Compensation Act, 1967* is repealed and the following substituted therefor: 1967, c. 45, s. 3, subs. 1, re-enacted

(1) Where any person is injured or killed by any act or omission of any other person occurring in or resulting directly from, Injuries compensable

(*a*) the commission of an offence against any statute of Canada or Ontario, not including an offence involving the use or operation of a motor vehicle as defined in *The Highway Traffic Act* but including assault by means of such motor vehicle; R.S.O. 1960, c. 172

(*b*) lawfully arresting or attempting to arrest an offender or suspected offender, or assisting a peace officer therein;

(*c*) preventing or attempting to prevent the commission of a crime or suspected crime, or assisting a peace officer therein,

the Board may, on application therefor and after a hearing, make an order in its discretion exercised in accordance with this Act for the payment of compensation and the decision of the Board is final and conclusive for all purposes.

3.

1967, c. 45, s. 10, amended

3. Section 10 of *The Law Enforcement Compensation Act, 1967* is amended by adding thereto the following subsection:

Application of subss. 1 and 2

(3) Subsections 1 and 2 do not apply where the victim's injury was incurred while assisting a peace officer.

Application

4. This Act applies in respect of claims for compensation arising from an injury or death occurring after this Act comes into force.

Commencement

5.—(1) This Act shall be deemed to have come into force on the 1st day of April, 1968.

Extension of limitation period 1967, c. 45

(2) Notwithstanding section 6 of *The Law Enforcement Compensation Act, 1967*, an application in respect of a death or injury occurring after the 1st day of April, 1968 and before the 1st day of September, 1968, may be made to the Law Enforcement Compensation Board before the 1st day of September, 1969.

Short title

6. This Act may be cited as *The Law Enforcement Compensation Amendment Act, 1968-69*.

CHAPTER 60

An Act to amend The Legal Aid Act, 1966

Assented to June 27th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Legal Aid Act, 1966* is amended by adding thereto the following clause: 1966, c. 80, s. 1, amended

(*ba*) "assessment officer" means an officer of the Department of Social and Family Services who is designated by the Minister of Social and Family Services as an assessment officer for the purposes of this Act.

(2) Clause *c* of the said section 1 is amended by adding at the end thereof "other than an honorary member or a student member thereof", so that the clause shall read as follows: 1966, c. 80, s. 1, cl. *c*, amended

(*c*) "barrister and solicitor" means a member of the Law Society other than an honorary member or a student member thereof.

(3) The said section 1 is amended by adding thereto the following clause: 1966, c. 80, s. 1, amended

(*ka*) "student legal aid society" means a student legal aid society established in accordance with the regulations.

(4) Clause *m* of the said section 1 is repealed. 1966, c. 80, s. 1, cl. *m*, repealed

2. Subsection 2 of section 5 of *The Legal Aid Act, 1966* is amended by adding thereto the following clause: 1966, c. 80, s. 5, subs. 2, amended

(*ba*) any refund authorized by this Act of any contribution to the Fund.

3. Clause *a* of subsection 1 of section 9 of *The Legal Aid Act, 1966* is amended by striking out "High Court" and inserting in lieu thereof "Supreme Court", so that the clause shall read as follows: 1966, c. 80, s. 9, subs. 1, cl. *a*, amended

(*a*) a judge of the Supreme Court.

1966, c. 80, s. 12, amended

4.—(1) Section 12 of *The Legal Aid Act, 1966* is amended by striking out "Except where otherwise provided in this Act, a certificate shall be issued to a person entitled thereto in respect of any proceeding or proposed proceeding" in the first, second and third lines and inserting in lieu thereof "Except as otherwise provided in this Act or the regulations, a certificate shall be issued to a person otherwise entitled thereto in respect of any proceeding or proposed proceeding", so that the section, exclusive of the clauses, shall read as follows:

Where legal aid may be given

12. Except as otherwise provided in this Act or the regulations, a certificate shall be issued to a person otherwise entitled thereto in respect of any proceeding or proposed proceeding,

. . . . .

1966, c. 80, s. 12, amended

(2) The said section 12 is further amended by adding thereto the following subsection:

Assumption

(2) For the purpose of clause *d* of subsection 1, an offence that may be tried on indictment or on summary conviction shall be deemed to be an offence triable on summary conviction until such time as the prosecution elects to proceed on indictment.

1966, c. 80, s. 13, cl. *a*, re-enacted

5.—(1) Clause *a* of section 13 of *The Legal Aid Act, 1966* is repealed and the following substituted therefor:

(*a*) in any summary conviction proceeding under,

(i) an Act of the Parliament of Canada or of the Legislature of Ontario, or

R.S.O. 1960, c. 98

(ii) a by-law of a municipality as defined in *The Department of Municipal Affairs Act* or of a metropolitan or regional municipality or local board thereof,

if upon conviction there is likelihood of imprisonment or loss of means of earning a livelihood.

1966, c. 80, s. 13, cl. *b*, subcl. iii, re-enacted

(2) Subclause iii of clause *b* of the said section 13 is repealed and the following substituted therefor:

(iii) before a quasi-judicial or administrative board or commission otherwise than in an appeal thereto,

. . . . .

1966, c. 80, s. 13, cl. *b*, amended

(3) Clause *b* of the said section 13 is amended by adding thereto the following subclause:

(v) for contempt of court; or

. . . . .

6. Clause *b* of subsection 1 of section 14 of *The Legal Aid Act, 1966* is amended by inserting after "of" in the first line "mandamus, quo warranto", so that the clause shall read as follows: 1966, c. 80, s. 14, subs. 1, cl. *b*, amended

(*b*) in a proceeding by way of mandamus, quo warranto, certiorari, motion to quash, habeas corpus, or prohibition; and

. . . . .

7. Sections 16, 17 and 18 of *The Legal Aid Act, 1966* are repealed and the following substituted therefor: 1966, c. 80, ss. 16-18, re-enacted

Applications

16.—(1) Every application for legal aid shall be made in the prescribed form addressed to the area director of the area in which the applicant resides at the time the application is made or in which the occurrence for which legal aid is required took place.

Reference to assessment officer

(2) Except where the legal aid for which an application is made is estimated by the area director to whom the application is made to cost not more than $60 and he after investigation is satisfied that the applicant can pay no part thereof, every application for legal aid shall be referred by the area director to an assessment officer for a report as to whether the applicant can pay no part, some part, or the whole of the cost of the legal aid applied for.

Function of assessment officer

(3) The assessment officer to whom an application is referred shall consider the income, disposable capital, indebtedness, requirements of persons dependent on the applicant, and such other circumstances as he deems to be relevant that are disclosed in the application or that he ascertains after investigation, and he shall report to the area director as to whether the applicant can pay no part, some part or the whole of the cost of the legal aid applied for and the sum, if any, the applicant is able to contribute towards the cost thereof.

Oaths

(4) Every assessment officer is in the performance of his duties under this Act a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. R.S.O. 1960, c. 59

When certificate may issue

(5) Subject to subsections 2 and 6 and whether or not a provisional certificate has been issued, the area director may issue a certificate only when he has received the report of the assessment officer and only where in the opinion of the area director the issue of a certificate is justified.

Provisional certificate in exceptional cases

(6) Where in the opinion of the area director the circumstances of an application require the issue of a certificate immediately, he may issue a provisional certificate without having first received the report of the assessment officer.

Terms and conditions

(7) An area director in issuing a certificate or provisional certificate may impose such terms and conditions as he deems proper.

Cancellation

(8) An area director may at any time cancel any certificate or provisional certificate issued by him.

Applications of non-residents

(9) An application for legal aid by a person not ordinarily resident in Ontario shall be disposed of by the Director.

Appeals

(10) An appeal lies to the area committee from the refusal of the area director to issue a certificate or from a cancellation of a certificate and a further appeal lies to the Director at the instance of the area director from the decision of the area committee allowing an appeal under this subsection.

Certificate upon request of court

(11) The Director may issue a certificate to an appellant or respondent in a criminal appeal where the Supreme Court of Canada or the Court of Appeal for Ontario is of the opinion that it is desirable in the interests of justice that the appellant or respondent should be represented and has requested that counsel be appointed and the Director is satisfied that the appellant or respondent has not sufficient means to employ counsel.

Recovery of contributions

17.—(1) The sum that a person is able to contribute towards the cost of legal aid given to him as set out in his certificate shall be paid by him and is a debt owing to the Law Society and may be recovered in any court of competent jurisdiction.

Charge on sum recovered

(2) Where a person who has been given legal aid in any matter recovers any sum in respect of such matter under a judgment, order, settlement or otherwise,

the costs payable under this Act and the regulations are a charge against the sum so recovered and shall be deducted therefrom and paid into the Fund.

Charge on property recovered

(3) Where a person who has been given legal aid in any matter recovers property other than money, the Law Society has a charge against the property so recovered for the costs payable under this Act and the regulations and may enforce such charge.

Refunds

(4) A person who has been given legal aid in any matter shall be refunded any money received or recovered by the Fund for costs in excess of such costs.

Disposition of costs

18. Any costs paid or payable to a person to whom legal aid has been given under this Act are the property of the Law Society and shall be paid into the Fund.

1966, c. 80, s. 21, re-enacted

8. Section 21 of *The Legal Aid Act, 1966* is repealed and the following substituted therefor:

Payment for professional services

21. Every barrister and solicitor who provides professional services under this Act shall be paid out of the Fund an amount equal to three-fourths of the fees for services rendered as determined by the regulations and an amount equal to his proper out-of-pocket disbursements in the matter in which legal aid was given.

1966, c. 80, s. 22, subs. 1, amended

9. Subsection 1 of section 22 of *The Legal Aid Act, 1966* is amended by inserting after "solicitor" in the second line "or student" and by inserting after "payment" in the third line "or other benefit", so that the subsection shall read as follows:

Authorized payments only

(1) Except in accordance with this Act and the regulations, no barrister and solicitor or student shall take or receive any payment or other benefit in respect of any professional services provided by him under this Act or the regulations.

1966, c. 80, amended

10. *The Legal Aid Act, 1966* is amended by adding thereto the following section:

Privileged communications

23*a*. All communications between the Director, an area director, a member of an area legal aid committee or an assessment officer, on the one hand, and an applicant for or a recipient of legal aid, on the other hand, are privileged for the purposes of the rules of evidence in the same manner and to the same extent as solicitor-client communications.

1966, c. 80, s. 24, subs. 1, cl. *a*, amended

11.—(1) Clause *a* of subsection 1 of section 24 of *The Legal Aid Act, 1966* is amended by striking out "duties" in the first line and inserting in lieu thereof "functions", so that the clause shall read as follows:

(*a*) prescribing the functions of the Director, the area directors and other persons employed for the purposes of this Act.

1966, c. 80, s. 24, subs. 1, cl. *e*, amended

(2) Clause *e* of subsection 1 of the said section 24 is amended by striking out "area legal aid" in the first line, so that the clause shall read as follows:

(*e*) providing for committees, their composition and organization, and prescribing their functions.

1966, c. 80, s. 24, subs. 1, amended

(3) Subsection 1 of the said section 24 is amended by adding thereto the following clause:

(*fa*) respecting the participation of students in legal aid.

1966, c. 80, s. 24, subs. 1, cl. *l*, re-enacted

(4) Clause *l* of subsection 1 of the said section 24 is repealed and the following substituted therefor:

(*l*) prescribing oaths of office and secrecy and requiring persons, or any class thereof, engaged in the administration of this Act to take and subscribe such oaths or either of them;

(*la*) respecting the non-disclosure of information furnished by or about an applicant for or recipient of legal aid;

(*lb*) providing for the settlement, recovery and payment into the Fund of costs and other moneys due to the Fund.

1966, c. 80, s. 24, amended

(5) The said section 24 is amended by adding thereto the following subsection:

Application of regulation

(3) A regulation may be limited in its scope and may be retroactive in its operation.

Commencement

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Legal Aid Amendment Act, 1968-69*.

CHAPTER 61

An Act to amend The Legislative Assembly Act

Assented to, except sections 1, 2, 3 and 4, June 18th, 1969
Sections 1, 2, 3 and 4 assented to December 17th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 60 of *The Legislative Assembly Act*, as re-enacted by subsection 1 of section 1 of *The Legislative Assembly Amendment Act, 1965*, is amended by striking out "$8,000" in the first line and inserting in lieu thereof "$12,000", so that the subsection shall read as follows: R.S.O. 1960, c. 208, s. 60, subs. 1 (1965, c. 56, s. 1, subs. 1) amended

(1) An indemnity at the rate of $12,000 per annum shall be paid to every member of the Assembly. Members' indemnities

(2) Subsection 1*a* of the said section 60, as enacted by subsection 1 of section 1 of *The Legislative Assembly Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 208, s. 60, subs. 1*a* (1965, c. 56, s. 1, subs. 1), re-enacted

(1*a*) An allowance for expenses at the rate of $6,000 per annum shall be paid to every member of the Assembly. Members' allowances

(3) Subsection 4 of the said section 60, as re-enacted by section 1 of *The Legislative Assembly Amendment Act, 1968*, is amended by striking out "$650" in the fifth line and inserting in lieu thereof "$1,000", so that the subsection shall read as follows: R.S.O. 1960, c. 208, s. 60, subs. 4 (1968, c. 63, s. 1), amended

(4) Notwithstanding subsection 3, upon the request of a member, there shall be paid, out of the moneys that have accrued to him at the time the request is made, any part of his indemnity not exceeding $1,000 per month and any part of his allowance for expenses not exceeding one-twelfth of his annual allowance for expenses per month. Advances

2. Section 62 of *The Legislative Assembly Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 208, s. 62, re-enacted

Indemnity of Speaker, Leader of Opposition and leader of a minority party

62.—(1) In addition to his indemnity as a member, there shall be paid,

(*a*) to the Speaker an indemnity at the rate of $5,000 per annum;

(*b*) to the Leader of the Opposition an indemnity at the rate of $15,000 per annum; and

(*c*) to the leader of a party, except the Prime Minister and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of $4,000 per annum.

computation

(2) For the purpose of computing the amount of any indemnity payable under this section, the Speaker, Leader of the Opposition and leader of a party referred to in clause *c* of subsection 1, respectively, shall be deemed to have occupied the position from the polling day on which he was elected a member of the Assembly and, when the Legislature in which he occupied the position was dissolved, he shall be deemed to have occupied the position until the day preceding the polling day that followed the dissolution, or until his death, whichever occurs first; provided that, when the occupant of the position changes, the member succeeding to the position shall be deemed to have occupied the position from the day following that on which his predecessor ceased to occupy the position.

when paid

(3) Every indemnity under this section shall be paid on the 31st day of March in each year, but when the Speaker, Leader of the Opposition or leader of a party referred to in clause *c* of subsection 1, as the case may be, ceases to occupy the position, the amounts that are payable to him for the period then concluded shall be paid forthwith.

advances

(4) Notwithstanding subsection 3, upon the request of the Speaker, the Leader of the Opposition or the leader of a party referred to in clause *c* of subsection 1, there shall be paid, out of the moneys that have accrued to him under this section at the time the request is made, any part of his indemnity under subsection 1 not exceeding one-twelfth of his indemnity per month.

R.S.O. 1960, c. 208, s. 63, re-enacted

3. Section 63 of *The Legislative Assembly Act* is repealed and the following substituted therefor:

Chairman and Deputy Chairman of Whole House and chairmen of standing committees, indemnity

63.—(1) In addition to his indemnity as a member, there shall be paid for each session,

(*a*) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House an indemnity of $4,000;

(*b*) to the Deputy Chairman of the Committees of the Whole House an indemnity of $2,000; and

(*c*) to the chairman of each standing committee an indemnity of $1,000,

but no indemnity shall be paid to the chairman of a standing committee unless the committee has become organized and has dealt with matters properly before it.

When paid

(2) Every indemnity under this section shall be paid at the close of the session, and if in any session more than one person occupied the position, the indemnity shall be divided among them in proportion to the time that each occupied the position during the session.

Whips, indemnities

63*a*.—(1) In addition to his indemnity as a member, an indemnity shall be paid,

(*a*) to the Chief Government Whip, at the rate of $2,000 per annum;

(*b*) to each of not more than two Deputy Government Whips, at the rate of $1,000 per annum;

(*c*) to the Opposition Whip, at the rate of $1,000 per annum; and

(*d*) to the party whip of each party that has a recognized membership of twelve or more persons in the Assembly, except the party from which the Government is chosen and the party recognized as the Official Opposition, at the rate of $1,000 per annum.

when paid

(2) Every indemnity under this section shall be paid on the 31st day of March in each year, but when the person occupying such position ceases to occupy the position, the amounts that are payable to him for the period then concluded shall be paid forthwith.

R.S.O. 1960, c. 208, s. 64 (1965, c. 56, s. 2), subs. 1, amended

4. Subsection 1 of section 64 of *The Legislative Assembly Act*, as re-enacted by section 2 of *The Legislative Assembly Amendment Act, 1965*, is amended by striking out "fifteen" in the second line and inserting in lieu thereof "thirty", so that the subsection shall read as follows:

Members' mileage allowance

(1) There shall be allowed to each member of the Assembly in respect of thirty trips per annum from his place of residence to the seat of government at Toronto 10 cents for every mile of the distance between his place of residence to Toronto and return, which distance shall be determined and certified by the Speaker.

R.S.O. 1960, c. 208, s. 65 (1968, c. 63, s. 3), re-enacted

5. Section 65 of *The Legislative Assembly Act*, as re-enacted by section 3 of *The Legislative Assembly Amendment Act, 1968*, is repealed and the following substituted therefor:

Members of committees, allowances and expenses

65.—(1) There shall be paid to each member of a committee of the Assembly other than the chairman thereof an allowance for expenses of $50, and to the chairman thereof an allowance for expenses of $60, and,

(*a*) in addition to the allowance provided for in section 64, his actual disbursements for transportation other than by private automobile or an allowance of 10 cents for every mile travelled by private automobile; and

(*b*) his actual disbursements for meals, accommodation and gratuities,

for or incurred on every day on which the Assembly is not sitting,

(*c*) upon which he attends a meeting of the committee; or

(*d*) upon which he is absent from home and is travelling to and from meetings of the committee.

Idem

(2) The allowances and disbursements provided in subsection 1 shall be payable to a member of a committee for every day upon which he is absent from home and from the seat of government and is engaged in the work of the committee, whether or not the Assembly is sitting.

Commencement

6.—(1) This Act, except sections 1, 2, 3 and 4, comes into force on the day it receives Royal Assent.

(2) Sections 1, 2, 3 and 4 shall be deemed to have come into force on the 1st day of April, 1969. Idem

7. This Act may be cited as *The Legislative Assembly Amendment Act, 1968-69*. Short title

CHAPTER 62

An Act to amend The Loan and Trust Corporations Act

Assented to May 8th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 58 of *The Loan and Trust Corporations Act* is amended by striking out "at any time after 90 per cent of its permanent capital stock has been subscribed and 90 per cent thereof paid in, but not sooner" in the second, third and fourth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 222, s. 58, subs. 1, amended

(1) The directors of any provincial corporation may by by-law provide for the increase of its permanent capital stock to an amount that the directors consider requisite. Increase of permanent capital stock

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1968-69*. Short title

CHAPTER 63

An Act to amend The Local Improvement Act

Assented to, except sections 1 and 2, June 27th, 1969
Sections 1 and 2 assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Local Improvement Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 223, s. 1 amended

8*a*. "court of revision" means a court of revision constituted under this Act.

2. *The Local Improvement Act* is amended by adding thereto the following section: R.S.O. 1960, c. 223, amended

42*a*.—(1) The court of revision shall consist of three or five members appointed by the council of the municipality and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide. Court of revision

(2) Every such member shall be a person eligible to be elected a member of the council or shall be a member of the council. Qualification

3. Section 61 of *The Local Improvement Act*, as re-enacted by section 1 of *The Local Improvement Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 223, s. 61 (1966, c. 82, s. 1), re-enacted

61. Land on which a church or place of worship is erected or that is used in connection therewith, the land of a university, college or seminary of learning, whether vested in a trustee or otherwise and the land of a board of an elementary or secondary school, as defined in *The Schools Administration Act*, is liable to be specially assessed for local improvements, notwithstanding the provisions of *The Assessment Act*. Certain lands exempt from taxation liable to be specially assessed R.S.O. 1960, cc. 361, 23

4.

Commencement

4.—(1) This Act, except sections 1 and 2, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 2 come into force on the 1st day of January, 1970.

Short title

5. This Act may be cited as *The Local Improvement Amendment Act, 1968-69*.

CHAPTER 64

An Act to amend The Matrimonial Causes Act

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 6 of *The Matrimonial Causes Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 232, s. 6, subs. 7, re-enacted

(7) The petitioner in an action for divorce shall pay the disbursements incurred by the Official Guardian in an investigation in respect of the action and the Official Guardian shall not file his report of the investigation with the court until such disbursements have been paid. Disbursements of Official Guardian

(7*a*) The disbursements of the Official Guardian payable under subsection 7 shall be deemed to be costs incurred in the action for the purposes of any award as to costs by the judge. Disbursements as costs in action

2. This Act applies to investigations in respect of actions for the dissolution of marriage commenced after this Act comes into force. Application

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Matrimonial Causes Amendment Act, 1968-69*. Short title

CHAPTER 65

The Mechanics' Lien Act, 1968-69

Assented to June 9th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, Interpretation

(*a*) "completion of the contract" means substantial performance, not necessarily total performance, of the contract;

(*b*) "contractor" means a person contracting with or employed directly by the owner or his agent for the doing of work or the placing or furnishing of materials for any of the purposes mentioned in this Act;

(*c*) "materials" includes every kind of movable property;

(*d*) "owner" includes any person and corporation, including a municipal corporation and a railway company, having any estate or interest in the land upon which or in respect of which work is done or materials are placed or furnished, at whose request, and

(i) upon whose credit, or

(ii) on whose behalf, or

(iii) with whose privity or consent, or

(iv) for whose direct benefit,

work is done or materials are placed or furnished and all persons claiming under him or it whose rights are acquired after the work in respect of which the lien is claimed is commenced or the materials placed or furnished have been commenced to be placed or furnished;

(*e*) "registrar" includes a master of titles;

(*f*) "registry office" includes a land titles office;

(*g*) "subcontractor" means a person not contracting with or employed directly by the owner or his agent for any of the purposes mentioned in this Act, but contracting with or employed by a contractor or, under him, by another subcontractor;

(*h*) "wages" means the money earned by a workman for work done by time or as piece work, and includes all monetary supplementary benefits, whether by statute, contract or collective bargaining agreement;

(*i*) "workman" means a person employed for wages in any kind of labour, whether employed under a contract of service or not. R.S.O. 1960, c. 233, s. 1, *amended*.

Work includes service

(2) In this Act, the expression "the doing of work" includes the performance of a service, and corresponding expressions have corresponding meanings.

Substantial performance

(3) For the purposes of this Act, a contract shall be deemed to be substantially performed,

(*a*) when the work or a substantial part thereof is ready for use or is being used for the purpose intended; and

(*b*) when the work to be done under the contract is capable of completion or correction at a cost of not more than,

(i) 3 per cent of the first $250,000 of the contract price,

(ii) 2 per cent of the next $250,000 of the contract price, and

(iii) 1 per cent of the balance of the contract price.

Idem

(4) For the purposes of this Act, where the work or a substantial part thereof is ready for use or is being used for the purpose intended and where the work cannot be completed expeditiously for reasons beyond the control of the contractor, the value of the work to be completed shall be deducted from the contract price in determining substantial performance. *New*.

GENERAL

Trust funds in hands of contractors

2.—(1) All sums received by a builder, contractor or subcontractor on account of the contract price constitute a trust fund in his hands for the benefit of the owner, builder, contractor, subcontractor, Workmen's Compensation Board,

workmen, and persons who have supplied materials on account of the contract or who have rented equipment to be used on the contract site, and the builder, contractor or subcontractor, as the case may be, is the trustee of all such sums so received by him and he shall not appropriate or convert any part thereof to his own use or to any use not authorized by the trust until all workmen and all persons who have supplied materials on the contract or who have rented equipment to be used on the contract site and all subcontractors are paid for work done or materials supplied on the contract and the Workmen's Compensation Board is paid any assessment with respect thereto. R.S.O. 1960, c. 233, s. 3 (1), *amended*.

Exception

(2) Notwithstanding subsection 1, where a builder, contractor or subcontractor has paid in whole or in part for any materials supplied on account of the contract or for any rented equipment or has paid any workman who has performed any work or any subcontractor who has placed or furnished any materials in respect of the contract, the retention by such builder, contractor or subcontractor of a sum equal to the sum so paid by him shall be deemed not to be an appropriation or conversion thereof to his own use or to any use not authorized by the trust. R.S.O. 1960, c. 233, s. 3 (3), *amended*.

Trust funds in hands of owners

(3) Where a sum becomes payable under a contract to a contractor by an owner on the certificate of a person authorized under the contract to make such a certificate, an amount equal to the sum so certified that is in the owner's hands or received by him at any time thereafter shall, until paid to the contractor, constitute a trust fund in the owner's hands for the benefit of the contractor, subcontractor, Workmen's Compensation Board, workmen, and persons who have supplied materials on account of the contract or who have rented equipment to be used on the contract site, and the owner shall not appropriate or convert any part thereof to his own use or to any use not authorized by the trust until all workmen and all persons who have supplied materials on the contract or who have rented equipment to be used on the contract site and all contractors and subcontractors are paid for work done or materials supplied on the contract and the Workmen's Compensation Board is paid any assessment with respect thereto.

Advances on mortgage, etc., a trust fund R.S.O. 1960 c. 98

(4) All sums received by an owner, other than a municipality as defined in *The Department of Municipal Affairs Act* or a metropolitan or regional municipality or a local board thereof, which are to be used in the financing, including the purchase price of the land and the payment of prior encumbrances, of a building, structure or work, constitute, subject to the payment of the purchase price of the land and prior

encumbrances

encumbrances, a trust fund in the hands of the owner for the benefit of the persons mentioned in subsection 1, and, until the claims of all such persons have been paid, the owner shall not appropriate or convert any part thereof to his own use or to any use not authorized by the trust.

Exception

(5) Notwithstanding subsection 4, where an owner has himself paid in whole or in part for any work done, for any materials placed or furnished or for any rented equipment, the retention by him from any moneys received from the lender under subsection 4 of a sum equal to the sum so paid by him shall be deemed not to be an appropriation or conversion thereof to his own use or to any use not authorized by the trust.

Protection for money lenders

(6) Notwithstanding anything in this section, where money is lent to a person upon whom a trust is imposed by this section and is used by him to pay in whole or in part for any work done, for any materials placed or furnished or for any rented equipment, trust moneys may be applied to discharge the loan to the extent that the lender's money was so used by the trustee, and any sum so applied shall be deemed not to be an appropriation or conversion to the trustee's own use or to any use not authorized by the trust. *New.*

Offence and penalty

(7) Every person upon whom a trust is imposed by this section who knowingly appropriates or converts any part of any trust moneys referred to in subsection 1, 3 or 4 to his own use or to any use not authorized by the trust is guilty of an offence and on summary conviction is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than two years, or to both, and every director or officer of a corporation who knowingly assents to or acquiesces in any such offence by the corporation is guilty of such offence, in addition to the corporation, and on summary conviction is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than two years, or to both. R.S.O. 1960, c. 233, s. 3 (2), *amended.*

Limit of time for asserting claims to trust moneys

3. No action to assert any claim to trust moneys referred to in section 2 shall be commenced against a lender of money to a person upon whom a trust is imposed by that section except,

(*a*) in the case of a claim by a contractor or subcontractor in cases not provided for in clauses *b*, *c* and *d*, within nine months after the completion or abandonment of the contract or subcontract;

(*b*) in the case of a claim for materials, within nine months after the placing or furnishing of the last material;

(*c*) in the case of a claim for services, within nine months after the completion of the service; or

(*d*) in the case of a claim for wages, within nine months after the last work was done for which the claim is made. *New.*

Agreements waiving application of Act are void

4.—(1) Every agreement, oral or written, express or implied, on the part of any workman that this Act does not apply to him or that the remedies provided by it are not available for his benefit is void.

Exception

(2) Subsection 1 does not apply,

(*a*) to a manager, officer or foreman; or

(*b*) to any person whose wages are more than $50 a day.

Effect upon third party of agreement waiving lien

(3) No agreement deprives any person otherwise entitled to a lien under this Act, who is not a party to the agreement, of the benefit of the lien, but it attaches, notwithstanding such agreement. R.S.O. 1960, c. 233, s. 4, *amended.*

CREATION OF LIENS

General right to a lien

5.—(1) Unless he signs an express agreement to the contrary and in that case subject to section 4, any person who does any work upon or in respect of, or places or furnishes any materials to be used in, the making, constructing, erecting, fitting, altering, improving or repairing of any land, building, structure or works or the appurtenances to any of them for any owner, contractor or subcontractor by virtue thereof has a lien for the price of the work or materials upon the estate or interest of the owner in the land, building, structure or works and appurtenances and the land occupied thereby or enjoyed therewith, or upon or in respect of which the work is done, or upon which the materials are placed or furnished to be used, limited, however, in amount to the sum justly due to the person entitled to the lien and to the sum justly owing, except as herein provided, by the owner, and the placing or furnishing of the materials to be used upon the land or such other place in the immediate vicinity of the land designated by the owner or his agent is good and sufficient delivery for the purpose of this Act, but delivery on the designated land does not make such land subject to a lien.

Exception

(2) Except for the purpose of section 11, the lien given by subsection 1 does not attach to any public street or highway or to any work or improvement done thereon.

(3)

Lien attaches where materials incorporated into building

(3) The lien given by subsection 1 attaches as therein set out where the materials delivered to be used are incorporated into the land, building, structure or works, notwithstanding that the materials may not have been delivered in strict accordance with subsection 1.

Interpretation

(4) In subsection 1, "agent" includes the contractor or subcontractor for whom the materials are placed or furnished, unless the person placing or furnishing the materials has had actual notice from the owner to the contrary. R.S.O. 1960, c. 233, s. 5, *amended*.

Lien for rented equipment

(5) A person who rents equipment to an owner, contractor or subcontractor for use on a contract site shall be deemed for the purposes of this Act to have performed a service for which he has a lien for the price of the rental of the equipment used on the contract site, limited, however, in amount to the sum justly owed and due to the person entitled to the lien from the owner, builder, contractor or subcontractor in respect of the rental of the equipment. *New*.

When husband's interest liable for work done or materials furnished on land of spouse

6. Where work is done or materials are placed or furnished to be used upon or in respect of the land of a married woman or in which she has an interest or an inchoate right of dower with the privity or consent of her husband, he shall be presumed conclusively to be acting as her agent as well as for himself for the purposes of this Act unless before doing the work or placing or furnishing the materials the person doing the work or placing or furnishing the materials has had actual notice to the contrary. R.S.O. 1960, c. 233, s. 6, *amended*.

Where estate charged is leasehold

7.—(1) Where the estate or interest upon which the lien attaches is leasehold, the fee simple is also subject to the lien if the person doing the work or placing or furnishing the materials gives notice in writing, by personal service, to the owner in fee simple or his agent of the work to be done or materials to be placed or furnished unless the owner in fee simple or his agent within fifteen days thereafter gives notice in writing, by personal service, to such person that he will not be responsible therefor.

Forfeiture or cancellation of lease, effect of on lienholder

(2) No forfeiture or attempted forfeiture of the lease on the part of the landlord, or cancellation or attempted cancellation of the lease except for non-payment of rent, deprives any person otherwise entitled to a lien of the benefit of the lien, but the person entitled to the lien may pay any rent accruing after he becomes so entitled, and the amount so paid may be added to his claim.

Prior mortgages

(3) Where the land and premises upon or in respect of which any work is done or materials are placed or furnished are encumbered by a mortgage or other charge that was registered in the proper registry office before any lien under this Act arose, the mortgage or other charge has priority over all liens under this Act to the extent of the actual value of the land and premises at the time the first lien arose, such value to be ascertained by the judge or officer having jurisdiction to try an action under this Act.

When first lien arose

(4) The time at which the first lien arose shall be deemed to be the time at which the first work was done or the first materials placed or furnished, irrespective of whether a claim for lien in respect thereof is registered or enforced and whether or not such lien is before the court. R.S.O. 1960, c. 233, s. 7 (1-4), *amended*.

Future advances

(5) Any mortgage existing as a valid security, notwithstanding that it is a prior mortgage within the meaning of subsection 3, may also secure future advances, subject to subsection 1 of section 14. R.S.O. 1960, c. 233, s. 7 (5).

Registered agreement for sale and purchase of land has same priority as mortgage

(6) A registered agreement for the sale and purchase of land and any moneys *bona fide* secured or payable thereunder has the same priority over a lien as is provided for a mortgage and mortgage moneys in subsections 3 and 5, and for the purposes of this Act the seller shall be deemed to be a mortgagee, and any moneys *bona fide* secured and payable under such agreement shall be deemed to be mortgage moneys *bona fide* secured or advanced. R.S.O. 1960, c. 233, s. 7 (6), *amended*.

Application of insurance

8. Where any of the property upon which a lien attaches is wholly or partly destroyed by fire, any money received by reason of any insurance thereon by an owner or prior mortgagee or chargee shall take the place of the property so destroyed and is, after satisfying any prior mortgage or charge in the manner and to the extent set out in subsection 3 of section 7, subject to the claims of all persons for liens to the same extent as if the money had been realized by a sale of the property in an action to enforce the lien. R.S.O. 1960, c. 233, s. 8.

Limit of amount of owner's liability

9. Save as herein otherwise provided, the lien does not attach so as to make the owner liable for a greater sum than the sum payable by the owner to the contractor. R.S.O. 1960, c. 233, s. 9.

10.

Limit of lien when claimed by other than contractor

10. Save as herein otherwise provided, where the lien is claimed by any person other than the contractor, the amount that may be claimed in respect thereof is limited to the amount owing to the contractor or subcontractor or other person for whom the work has been done or the materials were placed or furnished. R.S.O. 1960, c. 233, s. 10, *amended*.

Holdback

11.—(1) In all cases, the person primarily liable upon a contract under or by virtue of which a lien may arise shall, as the work is done or the materials are furnished under the contract, retain for a period of thirty-seven days after the completion or abandonment of the work done or to be done under the contract 15 per cent of the value of the work and materials actually done, placed or furnished, as mentioned in section 5, irrespective of whether the contract or subcontract provides for partial payments or payment on completion of the work, and the value shall be calculated upon evidence given in that regard on the basis of the contract price or, if there is no specific contract price, on the basis of the actual value of the work or materials. R.S.O. 1960, c. 233, s. 11 (1), *amended*.

Reduction in amount retained

(2) Where a contract is under the supervision of an architect, engineer or other person upon whose certificate payments are to be made and thirty-seven days have elapsed after a certificate issued by that architect, engineer or other person to the effect that the subcontract has been completed to his satisfaction has been given to the person primarily liable upon that contract and to the person who became a subcontractor by a subcontract made directly under that contract, the amount to be retained by the person primarily liable upon that contract shall be reduced by 15 per cent of the subcontract price or, if there is no specific subcontract price, by 15 per cent of the actual value of the work done or materials placed or furnished under that subcontract, but this subsection does not operate if and so long as any lien derived under that subcontract is preserved by anything done under this Act.

Idem

(3) Where a certificate issued by an architect, engineer or other person to the effect that a subcontract by which a subcontractor became a subcontractor has been completed to the satisfaction of that architect, engineer or other person has been given to that subcontractor, then, for the purposes of subsections 1, 2 and 3 of section 21 and section 23, that subcontract and any materials placed or furnished or to be placed or furnished thereunder and any work done or to be done thereunder shall, so far as concerns any lien thereunder of that subcontractor, be deemed to have been completed or placed or furnished not later than the time at which the certificate was so given. R.S.O. 1960, c. 233, s. 11 (3, 4), *amended*.

Court order in lieu of certificate

(4) Where an architect, engineer or other person neglects or refuses to issue and deliver a certificate upon which payments are to be made under a contract or subcontract, the judge or officer having jurisdiction to try an action under this Act, upon application and upon being satisfied that the certificate should have been issued and delivered may, upon such terms and conditions as to costs and otherwise as he deems just, make an order that the work or materials to which the certificate would have related has been done or placed or furnished, as the case may be, and any such order has the same force and effect as if the certificate had been issued and delivered by the architect, engineer or other person. *New.*

Effect of liens and claims on amounts retained

(5) Where there is a lien under section 5, the lien is a charge upon the amount directed to be retained by this section in favour of lien claimants whose liens are derived under persons to whom the moneys so required to be retained are respectively payable and where there is no lien on the land by virtue of subsection 2 of section 5, a claim for work done or materials placed or furnished is a charge upon the amount directed to be retained by this section. R.S.O. 1960, c. 233, s. 11 (5), *amended.*

Payments made in good faith without notice of lien

(6) All payments up to 85 per cent as fixed by subsection 1 and payments permitted as a result of the operation of subsections 2 and 3 made in good faith by an owner to a contractor, or by a contractor to a subcontractor, or by one subcontractor to another subcontractor, before notice in writing of the lien given by the person claiming the lien to the owner, contractor or subcontractor, as the case may be, operate as a discharge *pro tanto* of the lien.

Payment of percentage and discharge of liens

(7) Payment of the percentage required to be retained under this section may be validly made so as to discharge all claims in respect of such percentage after the expiration of the period of thirty-seven days mentioned in subsection 1 unless in the meantime proceedings have been commenced to enforce any lien or charge against the percentage as provided by sections 22 and 23, in which case the owner may pay the percentage into court in the proceedings, and such payment constitutes valid payment in discharge of the owner to the amount thereof.

Amendment of contracts

(8) Every contract shall be deemed to be amended in so far as is necessary to be in conformity with this section. R.S.O. 1960, c. 233, s. 11 (5-9).

Where percentage not to be applied

(9) Where the contractor or subcontractor makes default in completing his contract, the percentage required to be retained shall not, as against any lien claimant who by virtue

of

of subsection 5 has a charge thereupon, be applied by the owner, contractor or subcontractor to the completion of the contract or for any other purpose nor to the payment of damages for the non-completion of the contract by the contractor or subcontractor nor in payment or satisfaction of any claim against the contractor or subcontractor. R.S.O. 1960, c. 233, s. 11 (9), *amended*.

Payments made directly by owner to persons entitled to lien

12. If an owner, contractor or subcontractor makes a payment to any person entitled to a lien under section 5 or to any person who but for subsection 2 of that section would be entitled to a lien under that section, for or on account of any debt, justly due to him for work done or for materials placed or furnished to be used as therein mentioned, for which he is not primarily liable, and within three days afterwards gives written notice of the payment to the person primarily liable, or his agent, the payment shall be deemed to be a payment on his contract generally to the contractor or subcontractor primarily liable but not so as to affect the percentage to be retained by the owner as provided by section 11. R.S.O. 1960, c. 233, s. 12 (1), *amended*.

Rights of subcontractor

13. Every subcontractor is entitled to enforce his lien notwithstanding the non-completion or abandonment of the contract by any contractor or subcontractor under whom he claims. R.S.O. 1960, c. 233, s. 12 (2).

Priority of lien

14.—(1) The lien has priority over all judgments, executions, assignments, attachments, garnishments and receiving orders recovered, issued or made after the lien arises, and over all payments or advances made on account of any conveyance or mortgage after notice in writing of the lien has been given to the person making such payments or after registration of a claim for the lien as hereinafter provided, and, in the absence of such notice in writing or the registration of a claim for lien, all such payments or advances have priority over any such lien. R.S.O. 1960, c. 233, s. 13 (1), *amended*.

Priority among lienholders

(2) Except where it is otherwise provided by this Act, no person entitled to a lien on any property or money is entitled to any priority or preference over another person of the same class entitled to a lien on such property or money, and each class of lienholders ranks *pari passu* for their several amounts, and the proceeds of any sale shall be distributed among them *pro rata* according to their several classes and rights.

Mortgage given to person entitled to lien void as against lienholders

(3) Any conveyance, mortgage or charge of or on land given to any person entitled to a lien thereon under this Act in payment of or as security for any such claim, whether

given

given before or after such lien claim has arisen, shall, as against other parties entitled to liens under this Act, on any such land be deemed to be fraudulent and void. R.S.O. 1960, c. 233, s. 13 (2, 3).

PRIORITY OF WAGES

Priority of liens for wages

15.—(1) Every workman whose lien is for wages has priority to the extent of thirty days wages over all other liens derived through the same contractor or subcontractor to the extent of and on the 15 per cent directed to be retained by section 11 to which the contractor or subcontractor through whom the lien is derived is entitled, and all such workmen rank thereon *pari passu*.

Enforcing lien in such cases

(2) Every workman is entitled to enforce a lien in respect of any contract or subcontract that has not been completed and, notwithstanding anything to the contrary in this Act, may serve a notice of motion on the proper persons, returnable in four days after service thereof before the judge or officer having jurisdiction to try an action under this Act, that the applicant will on the return of the motion ask for judgment on his claim for lien, registered particulars of which shall accompany the notice of motion duly verified by affidavit.

Calculating percentage when contract not fulfilled

(3) If the contract has not been completed when the lien is claimed by a workman, the percentage shall be calculated on the value of the work done or materials placed or furnished by the contractor or subcontractor by whom the workman is employed, having regard to the contract price, if any.

Devices to defeat priority of workmen

(4) Every device by an owner, contractor or subcontractor to defeat the priority given to a workman for his wages and every payment made for the purpose of defeating or impairing a lien are void. R.S.O. 1960, c. 233, s. 14, *amended*.

REGISTRATION

Registration of claim for lien

16.—(1) A claim for a lien may be registered in the proper registry office and shall set out,

(*a*) the name and an address for service of the person claiming the lien and of the owner or of the person whom the person claiming the lien, or his agent, believes to be the owner of the land, and of the person for whom the work was or is to be done, or the materials were or are to be placed or furnished, and the time within which the same was or was to be done or placed or furnished;

(*b*)

(*b*) a short description of the work done or to be done, or the materials placed or furnished or to be placed or furnished;

(*c*) the sum claimed as due or to become due;

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(*d*) a description of the land as required by *The Land Titles Act* or *The Registry Act* and the regulations thereunder, as the case may be; and

(*e*) the date of expiry of the period of credit if credit has been given. R.S.O. 1960, c. 233, s. 16 (1), *amended.*

Verification of claim

(2) The claim shall be verified in duplicate by the affidavit of the person claiming the lien, or of his agent or assignee who has a personal knowledge of the matters required to be verified, and the affidavit of the agent or assignee shall state that he has such knowledge.

Lien against railway

(3) When it is desired to register a claim for lien against a railway, it is sufficient description of the land of the railway company to describe it as the land of the railway company, and every such claim shall be registered in the general register in the office for the registry division within which the lien is claimed to have arisen. R.S.O. 1960, c. 233, s. 16 (2, 3).

What may be included in claim

17.—(1) A claim for lien may include claims against any number of properties, and any number of persons claiming liens upon the same property may unite therein, but, where more than one lien is included in one claim, each claim for lien shall be verified by affidavit as provided in section 16.

Apportionment of claims

(2) The judge or officer trying the action has jurisdiction equitably to apportion against the respective properties the amounts included in any claim or claims under subsection 1. R.S.O. 1960, c. 233, s. 17, *amended.*

Informality

18.—(1) Substantial compliance with sections 16, 17 and 29 is sufficient and no claim for lien is invalidated by reason of failure to comply with any of the requirements of such sections unless, in the opinion of the judge or officer trying the action, the owner, contractor or subcontractor, mortgagee or other person is prejudiced thereby, and then only to the extent to which he is thereby prejudiced.

Registration necessary

(2) Nothing in this section dispenses with the requirement of registration of the claim for lien. R.S.O. 1960, c. 233, s. 18, *amended.*

Duplicate to be filed

19. A duplicate of the claim for lien, bearing the registrar's certificate of registration, shall be filed on or before the trial of the action, where the action is to be tried in the County of York, in the office of the master of the Supreme Court, or, where the action is to be tried elsewhere, in the office of the clerk of the county or district court of the county or district in which the action is to be tried. R.S.O. 1960, c. 233, s. 19 (1), *amended.*

Status of lien claimant

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20. Where a claim is so registered, the person entitled to a lien shall be deemed to be a purchaser *pro tanto* and a purchaser within the provisions of *The Registry Act* and *The Land Titles Act*, but, except as herein otherwise provided, those Acts do not apply to any lien arising under this Act. R.S.O. 1960, c. 233, s. 20, *amended.*

Limit of time for registration

21.—(1) A claim for lien by a contractor or subcontractor in cases not otherwise provided for may be registered before or during the performance of the contract or of the subcontract or within thirty-seven days after the completion or abandonment of the contract or of the subcontract, as the case may be. R.S.O. 1960, c. 233, s. 21 (1).

Materials

(2) A claim for lien for materials may be registered before or during the placing or furnishing thereof, or within thirty-seven days after the placing or furnishing of the last material so placed or furnished. R.S.O. 1960, c. 233, s. 21 (2), *amended.*

Services

(3) A claim for lien for services may be registered at any time during the performance of the service or within thirty-seven days after the completion of the service. R.S.O. 1960, c. 233, s. 21 (3).

Wages

(4) A claim for lien for wages may be registered at any time during the doing of the work for which the wages are claimed or within thirty-seven days after the last work was done for which the lien is claimed. R.S.O. 1960, c. 233, s. 21 (4), *amended.*

Notice of claim to holdback

(5) Where there is no lien on the land by virtue of subsection 2 of section 5, any person who is asserting a claim under subsection 5 of section 11 for work done or materials placed or furnished shall give notice in writing of his claim to the owner, to every person in whose hands are sums retained under section 11 to which his claim may relate and to the municipality in which the land is situate within thirty-seven days after the completion or abandonment of the work or the placing or furnishing of the materials. *New.*

EXPIRY AND DISCHARGE

Expiry of liens

22.—(1) Every lien for which a claim is not registered ceases to exist on the expiration of the time limited in section 21 for the registration thereof.

Registration of certificate of action

(2) Upon an action under this Act being commenced, a certificate thereof shall be registered in the registry office in which the claim for lien is registered. R.S.O. 1960, c. 233, s. 22 (1), *part*, *amended*.

Vacating orders

(3) Where a certificate of action has been registered for two years or more in the registry office and no appointment has been taken out for the trial of the action, the judge or an officer having jurisdiction to try the action may, upon the application *ex parte* of any interested person, make an order vacating the certificate of action and discharging all liens depending thereon. R.S.O. 1960, c. 233, s. 22, *amended*.

When lien to cease if registered and not proceeded upon

23.—(1) Every lien for which a claim is registered ceases to exist on the expiration of ninety days after the work has been completed or the materials have been placed or furnished, or after the expiry of the period of credit, where such period is mentioned in the registered claim for lien, unless in the meantime an action is commenced to realize the claim or in which a subsisting claim may be realized, and a certificate is registered as provided by section 22. R.S.O. 1960, c. 233, s. 23, *amended*.

Expiration of claim

(2) Every claim asserted under subsection 5 of section 11 for work done or materials placed or furnished ceases to exist on the expiration of ninety days after,

(*a*) the work has been completed or abandoned;

(*b*) the materials have been placed or furnished; or

(*c*) the expiry of the period of credit, where such period is mentioned in the notice referred to in subsection 5 of section 21,

unless in the meantime an action under this Act is commenced to realize the claim or in which a subsisting claim may be realized.

Idem

(3) Subsection 2 of section 22 does not apply to an action referred to in subsection 2, but sections 29, 30, 31, 32 and 34 to 38 apply *mutatis mutandis* to such an action.

Assignment or death of lien claimant

24. The rights of a lien claimant may be assigned by an instrument in writing and, if not assigned, upon his death pass to his personal representative. R.S.O. 1960, c. 233, s. 24, *amended*.

25.—(1) A claim for lien may be discharged by the registration of a receipt acknowledging payment, Discharge of lien

(*a*) where made by a lien claimant that is not a corporation, signed by the lien claimant or his agent duly authorized in writing and verified by affidavit; or

(*b*) where made by a lien claimant that is a corporation, sealed with its corporate seal. R.S.O. 1960, c. 233, s. 25 (1), *amended*.

(2) Upon application, the judge or officer having jurisdiction to try the action may, at any time, Security or payment into court and vacating lien and certificate of action

(*a*) allow security for or payment into court of the amount of the claim of the lien claimant and the amount of the claims of any other subsisting lien claimants together with such costs as he may fix, and thereupon order that the registration of the claim for lien or liens and the registration of the certificate of action, if any, be vacated;

(*b*) upon any other proper ground, order that the registration of the claim for lien or liens and the registration of the certificate of action, if any, be vacated; or

(*c*) upon proper grounds, dismiss the action. R.S.O. 1960, c. 233, s. 25 (4), *amended*.

(3) Notwithstanding sections 22 and 23, where an order to vacate the registration of a lien is made under clause *a* or *b* of subsection 2, the lien does not cease to exist for the reason that no certificate of action is registered. Effect of order under subs. 2, cls. *a* or *b*

(4) Any money so paid into court, or any bond or other security for securing the like amount and satisfactory to the judge or officer, takes the place of the property discharged and is subject to the claims of every person who has at the time of the application a subsisting claim for lien or given notice of the claim under subsection 6 of section 11 or section 14 to the same extent as if the money, bond or other security was realized by a sale of the property in an action to enforce the lien, but such amount as the judge or officer finds to be owing to the person whose lien has been so vacated is a first charge upon the money, bond or other security. Money paid into court

(5) Where the certificate required by section 22 or 23 has not been registered within the prescribed time and an application is made to vacate the registration of a claim for lien after the time for registration of the certificate, the Where notice of application to vacate not requisite

order

order vacating the lien may be made *ex parte* upon production of a certificate of search under *The Land Titles Act* or of a registrar's abstract under *The Registry Act*, as the case may be, together with a certified copy of the registered claim for lien. R.S.O. 1960, c. 233, s. 25 (5-7), *amended*.

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Payment of money out of court

(6) Where money has been paid into court or a bond deposited in court pursuant to an order under subsection 2, the judge or officer may, upon such notice to the parties as he may require, order the money to be paid out to the persons entitled thereto or the delivery up of the bond for cancellation, as the case may be. 1961-62, c. 78, s. 1, *amended*.

Registration number

(7) An order discharging a claim for lien or vacating a certificate of action shall be registered by registering the order or a certificate thereof, under the seal of the court, that includes a description of the land as required by *The Land Titles Act* or *The Registry Act* and the regulations thereunder, as the case may be, and a reference to the registration number of every registered claim for lien and certificate of action affected thereby. 1966, c. 84, s. 1, *amended*.

EFFECT OF TAKING SECURITY OR EXTENDING TIME

Effect generally

26.—(1) The taking of any security for, or the acceptance of any promissory note or bill of exchange for, or the taking of any acknowledgment of the claim, or the giving of time for the payment thereof, or the taking of any proceedings for the recovery, or the recovery of a personal judgment for the claim, does not merge, waive, pay, satisfy, prejudice or destroy the lien unless the lien claimant agrees in writing that it has that effect. R.S.O. 1960, c. 233, s. 26 (1).

Where period of credit not expired

(2) Where any such promissory note or bill of exchange has been negotiated, the lien claimant does not thereby lose his right to claim for lien if, at the time of bringing his action to enforce it or where an action is brought by another lien claimant, he is, at the time of proving his claim in the action, the holder of such promissory note or bill of exchange.

Time for bringing action not extended

(3) Nothing in subsection 2 extends the time limited by this Act for bringing an action to enforce a claim for lien.

Time for bringing action by person who gave time for payment

(4) A person who has extended the time for payment of a claim for which he has a claim for lien in order to obtain the benefit of this section shall commence an action to enforce the claim within the time prescribed by this Act and shall register a certificate as required by sections 22 and 23, but no further proceedings shall be taken in the action until the expiration of such extension of time. R.S.O. 1960, c. 233, s. 26 (2-4), *amended*.

Proving claim in action by another person

27. Where the period of credit in respect of a claim has not expired or there has been an extension of time for payment of the claim, the lien claimant may nevertheless, if an action is commenced by any other person to enforce a claim for lien against the same property, prove and obtain payment of his claim in the action as if the period of credit or the extended time had expired. R.S.O. 1960, c. 233, s. 27, *amended*.

LIEN CLAIMANT'S RIGHTS TO INFORMATION

Production of contract or agreement

28.—(1) Any lien claimant may in writing at any time demand of the owner or his agent the production, for inspection, of the contract or agreement with the contractor for or in respect of which the work was or is to be done or the materials were or are to be placed or furnished, if the contract or agreement is in writing or, if not in writing, the terms of the contract or agreement and the state of the accounts between the owner and the contractor, and, if the owner or his agent does not, at the time of the demand or within a reasonable time thereafter, produce the contract or agreement if in writing or, if not in writing, does not inform the person making the demand of the terms of the contract or agreement and the amount due and unpaid upon the contract or agreement or if he knowingly falsely states the terms of the contract or agreement or the amount due or unpaid thereon and if the person claiming the lien sustains loss by reason of the refusal or neglect or false statement, the owner is liable to him for the amount of the loss in an action therefor or in any action for the enforcement of a lien under this Act, and subsection 4 of section 38 applies.

Statement of mortgagee or unpaid vendor

(2) Any lien claimant may in writing at any time demand of a mortgagee or unpaid vendor or his agent the terms of any mortgage on the land or of any agreement for the purchase of the land in respect of which the work was or is to be done or the materials were or are to be placed or furnished and a statement showing the amount advanced on the mortgage or the amount owing on the agreement, as the case may be, and, if the mortgagee or vendor or his agent fails to inform the lien claimant at the time of the demand or within a reasonable time thereafter of the terms of the mortgage or agreement and the amount advanced or owing thereon or if he knowingly falsely states the terms of the mortgage or agreement and the amount owing thereon and the lien claimant sustains loss by the refusal or neglect or misstatement, the mortgagee or vendor is liable to him for the amount of the loss in an action therefor or in any action for the enforcement of a lien under this Act, and subsection 4 of section 38 applies.

Production of contract or agreement

(3) The judge or officer having jurisdiction to try an action under this Act may, on a summary application at any time before or after an action is commenced for the enforcement of the claim for lien, make an order requiring the owner or his agent or the mortgagee or his agent or the unpaid vendor or his agent or the contractor or his agent or the subcontractor or his agent, as the case may be, to produce and permit any lien claimant to inspect any such contract or agreement or mortgage or agreement for sale or the accounts or any other relevant document upon such terms as to costs as the judge or officer deems just. R.S.O. 1960, c. 233, s. 28, *amended*.

ACTIONS

How claim enforceable

29.—(1) A claim for lien is enforceable in an action in the Supreme Court.

Statement of claim, filing of

(2) An action under this section shall be commenced by filing a statement of claim in the office of the local registrar of the Supreme Court in the county or district in which the land or part thereof is situate.

Idem, service

(3) The statement of claim shall be served within thirty days after it is filed, but the judge having jurisdiction to try the action or, in the County of York, the master, may extend the time for service.

Statement of defence

(4) The time for delivering the statement of defence in the action shall be the same as for entering an appearance in an action in the Supreme Court.

Parties

(5) It is not necessary to make any lien claimants parties defendant to the action, but all lien claimants served with the notice of trial shall for all purposes be deemed to be parties to the action.

Motion to speed trial

(6) After the commencement of the action, any lien claimant or other person interested may apply to the judge having jurisdiction to try the action or, in the County of York, a judge of the Supreme Court, to speed the trial of the action. R.S.O. 1960, c. 233, s. 29, *amended*.

Lien claimants joining in action

30. Any number of lien claimants claiming liens on the same land may join in an action, and an action brought by a lien claimant shall be deemed to be brought on behalf of himself and all other lien claimants. R.S.O. 1960, c. 233, s. 30, *amended*.

Tribunal and place of trial

31.—(1) Except in the County of York, the action shall be tried by the local judge of the Supreme Court in the county or district in which the action was commenced, but,

upon the application of any party or other interested person made according to the practice of the Supreme Court and upon notice, the court may direct that the action be tried by a judge of the Supreme Court at the regular sittings of the court for the trial of actions in the county or district in which the action was commenced. R.S.O. 1960, c. 233, s. 31 (1, 2).

Idem, York County

(2) In the County of York, the action shall be tried by a judge of the Supreme Court, but,

(*a*) on motion after defence or defence to counterclaim, if any, has been delivered or the time for such delivery has expired, a judge of the Supreme Court may refer the whole action to the master for trial pursuant to section 69 of *The Judicature Act*; or R.S.O. 1960 c. 197

(*b*) at the trial, a judge of the Supreme Court may direct a reference to the master pursuant to section 68 or 69 of *The Judicature Act*. R.S.O. 1960, c. 233, s. 31 (3), *amended*.

Application to set aside judgment directing a reference

(3) Where on motion the whole action is referred to the master for trial, any person brought into the proceedings subsequent thereto and served with a notice of trial may apply to a judge of the Supreme Court to set aside the judgment directing the reference within seven days after service of notice of trial and, if such person fails to make such application, he is bound by such judgment as if he were originally a party thereto.

Amendment of pleadings on reference

(4) Where the action is referred to the master for trial, he may grant leave to amend any pleading. R.S.O. 1960, c. 233, s. 31 (4, 5).

Powers of local judges R.S.O., etc.

32. The local judges of the Supreme Court and the master to whom a reference for trial has been directed, in addition to their ordinary powers, have all the jurisdiction, powers and authority of the Supreme Court to try and completely dispose of the action and questions arising therein and all questions of set-off and counterclaim arising under the building contract or out of the work done or materials furnished to the property in question. R.S.O. 1960, c. 233, s. 32 (1), *amended*.

Where contract covers several buildings

33. Where an owner enters into an entire contract for the supply of materials to be used in several buildings, the person supplying the materials may ask to have his lien follow the form of the contract and that it be for an entire sum upon all the buildings, but, in case the owner has sold one or more of the buildings, the judge or officer trying the action has juris-

diction

diction equitably to apportion against the respective buildings the amount included in the claim for lien under the entire contract. R.S.O. 1960, c. 233, s. 32 (2), *amended*.

Power to appoint a receiver of rents and profits

34.—(1) At any time after the delivery of the statement of claim, the judge or officer having jurisdiction to try the action may, on the application of any lien claimant, mortgagee or other person interested, appoint a receiver of the rents and profits of the property against which the claim for lien is registered, upon such terms and upon the giving of such security or without security as the judge or officer deems just.

Power to direct sale and appoint trustee

(2) Any lien claimant, mortgagee or other person interested may make an application to the judge or officer at any time before or after judgment, which may hear *viva voce* or affidavit evidence or both and appoint, upon such terms and upon the giving of such security or without security as the judge or officer deems just, a trustee or trustees with power to manage, mortgage, lease and sell, or manage, mortgage, lease or sell, the property against which the claim for lien is registered, and the exercise of such powers shall be under the supervision and direction of the judge or officer, and with power, when so directed by the judge or officer, to complete or partially complete the property, and, in the event that mortgage moneys are advanced to the trustee or trustees as the result of any of the powers conferred upon him or them under this subsection, such moneys take priority over every claim of lien existing as of the date of the appointment.

Property offered for sale

(3) Any property directed to be sold under subsection 2 may be offered for sale subject to any mortgage or other charge or encumbrance if the judge or officer so directs.

Proceeds to be paid into court

(4) The proceeds of any sale made by a trustee or trustees under subsection 2 shall be paid into court and are subject to the claims of all lien claimants, mortgagees or other persons interested in the property so sold as their respective rights are determined, and, in so far as applicable, section 39 applies.

Orders for completion of sale

(5) The judge or officer shall make all necessary orders for the completion of any mortgage, lease or sale authorized to be made under subsection 2.

Vesting of title

(6) Any vesting order made of property sold by a trustee or trustees appointed under subsection 2 vests the title of the property free from all claims for liens, encumbrances and interests of any kind including dower, except in cases where sale is made subject to any mortgage, charge, encumbrance or interest as hereinbefore provided, but nothing in this

section or elsewhere in this Act shall be deemed to extinguish the right to dower, if any, of any married woman or the right to have the value of her dower ascertained and deducted from the proceeds of the sale so paid into court. R.S.O. 1960, c. 233, s. 32 (3-8), *amended.*

Order for preservation of property

35. At any time after delivery of the statement of claim and before judgment, or after judgment and pending the hearing and determination of any appeal, any lien claimant, mortgagee or other interested person may make an application to the judge or officer having jurisdiction to try the action, who may hear *viva voce* or affidavit evidence or both and make an order for the preservation of any property pending the determination of the action and any appeal. *New.*

Consolidation of actions

36. Where more actions than one are brought to realize liens in respect of the same land, the judge or officer having jurisdiction to try the action may, on the application of any party to any one of the actions or on the application of any other person interested, consolidate all such actions into one action and award the conduct of the consolidated action to any plaintiff as the judge or officer deems just. R.S.O. 1960, c. 233, s. 33, *amended.*

Transferring carriage of proceedings

37. Any lien claimant entitled to the benefit of an action may at any time apply to the judge or officer having jurisdiction to try the action for the carriage of the proceedings, and the judge or officer may make an order awarding such lien claimant the carriage of the proceedings. R.S.O. 1960, c. 233, s. 34, *amended.*

Appointing day for trial

38.—(1) After the delivery of the statement of defence where the plaintiff's claim is disputed, or after the time for delivery of defence in all other cases, either party may apply *ex parte* to a judge or officer having jurisdiction to try the action to fix a day for the trial thereof, and the judge or officer shall appoint the time and place of trial, and the order, signed by the judge or officer, shall form part of the record of the proceedings.

Notice of trial and service

(2) The party obtaining an appointment for the trial shall, at least ten clear days before the day appointed, serve notice of trial upon the solicitors for the defendants who appear by solicitors and upon the defendants who appear in person, and upon all the lienholders who have registered their claims as required by this Act or of whose claims he has notice, and upon all other persons having any charge, encumbrance or claim on the land subsequent in priority to the lien, who are not parties, and such service shall be personal unless otherwise directed by the judge or officer who may direct in what manner the notice of trial is to be served.

Idem

(3) Where any person interested in the land has been served with a statement of claim and makes default in delivering a statement of defence, he shall nevertheless be served with notice of trial and is entitled to defend on such terms as to costs and otherwise as the judge or officer having jurisdiction to try the action deems just.

Trial

(4) The judge, or where a reference for trial is directed, the master,

(*a*) shall try the action, including any set-off and counterclaim, and all questions that arise therein or that are necessary to be tried in order to completely dispose of the action and to adjust the rights and liabilities of the persons appearing before him or upon whom notice of trial has been served;

(*b*) shall take all accounts, make all inquiries, give all directions and do all other things necessary to finally dispose of the action and of all matters, questions and accounts arising therein or at the trial, and to adjust the rights and liabilities of and give all necessary relief to all parties to the action and all persons who have been served with the notice of trial; and

(*c*) shall embody the results of the trial,

(i) in the case of a judge, in a judgment, and

(ii) in the case of a master, in a report,

which judgment or report may direct payment forthwith by the person or persons primarily liable to pay the amount of the claims and costs as ascertained by the judgment or report, and execution may be issued therefor forthwith in the case of a judgment and after confirmation thereof, in the case of a report.

Power to vary form of judgment

(5) The form of the judgment or report may be varied by the judge or officer in order to meet the circumstances of the case so as to afford to any party to the proceedings any right or remedy in the judgment or report to which he may be entitled.

Sale

(6) The judge or officer may order that the estate or interest charged with the lien be sold, and may direct the sale to take place at any time after judgment or confirmation of the report, allowing, however, a reasonable time for advertising the sale.

Letting in lien claimants

(7) A lien claimant who did not prove his claim at the trial, on application to the judge or officer before whom the action or reference was tried, may be let in to prove his claim, on

such

such terms as to costs and otherwise as are deemed just, at any time before the amount realized in the action for the satisfaction of liens has been distributed, and, where his claim is allowed, the judgment or report shall be amended so as to include his claim.

Right of lien claimants to representation

(8) Any lien claimant for an amount not exceeding $200 may be represented by an agent who is not a barrister and solicitor.

Action may be tried by any judge

(9) An action or reference under this Act may be tried by any judge or officer having jurisdiction to try the action or reference notwithstanding that the time and place for the trial or reference thereof were appointed and fixed by another judge or officer. R.S.O. 1960, c. 233, s. 35, *amended.*

Applications for directions

(10) Any party to an action under this Act or any other interested person may at any time and from time to time apply to a judge or officer having jurisdiction to try the action or reference for directions as to pleadings, discovery, production or any other matter relating to the action or reference, including the cross-examination of a lien claimant or his agent or assignee on his affidavit verifying the claim. *New.*

Report where sale is had

39.—(1) Where a sale is had, the moneys arising therefrom shall be paid into court to the credit of the action, and the judge or officer before whom the action was tried shall direct to whom the moneys in court shall be paid and may add to the claim of the person conducting the action his fees and actual disbursements incurred in connection with the sale, and, where sufficient to satisfy the judgment and costs is not realized from the sale, he shall certify the amount of the deficiency and the names of the persons who are entitled to recover the same, showing the amount that each is entitled to recover and the persons adjudged to pay the same, giving credit for payments made, if any, under subsection 4 of section 38, and the persons so entitled may enforce payment of the amounts so found to be due by execution or otherwise.

Completion of sale

(2) The judge or officer before whom the action was tried may make all necessary orders for the completion of the sale and for vesting the property in the purchaser. R.S.O. 1960, c. 233, s. 36 (1, 2).

Where lien not established

40. Where a lien claimant fails to establish a lien, he may nevertheless recover a personal judgment against any party to the action for such sum as may appear to be due to him and which he might recover in an action against such party. R.S.O. 1960, c. 233, s. 36 (3).

Right of lienholders whose claims are not payable to share in proceeds

41. Where property subject to a lien is sold in an action to enforce a lien, every lienholder is entitled to share in the proceeds of the sale in respect of the amount then owing to him, although the same or part thereof was not payable at the time of the commencement of the action or is not then presently payable. R.S.O. 1960, c. 233, s. 37.

STATED CASE

Stated case

42.—(1) If in the course of proceedings to enforce a lien a question of law arises, the judge or officer trying the case may, at the request of any party, state the question in the form of a stated case for the opinion of the Court of Appeal, and the stated case shall thereupon be set down to be heard before the Court of Appeal and notice of hearing shall be served by the party setting down upon all parties concerned.

Transmission of papers

(2) The stated case shall set forth the facts material for the determination of the question raised, and all papers necessary for the hearing of the stated case by the Court of Appeal shall be transmitted to the registrar of the Supreme Court. R.S.O. 1960, c. 233, s. 39, *amended*.

APPEAL

Appeal

43.—(1) Except where the amount of a judgment in respect of a claim or counterclaim is $200 or less, an appeal lies from any judgment under this Act to the Court of Appeal. R.S.O. 1960, c. 233, s. 40 (1), *amended*.

Appeal from reference

(2) Where a question is referred to the master for inquiry and report under subsection 2 of section 31, an appeal lies in the manner prescribed by the rules of court.

Confirmation of master's report

(3) Where an action is referred to the master for trial under subsection 2 of section 31, the report shall be filed and shall be deemed to be confirmed at the expiration of fifteen days from the date of service of notice of filing the same, unless notice of appeal is served within that time.

Appeal from judgment or report

(4) An appeal from a judgment or report made on a reference for trial lies in like manner and to the same extent as from the decision of a judge trying an action in the Supreme Court without a jury. R.S.O. 1960, c. 233, s. 40 (2-4).

Costs of appeal

(5) The costs of an appeal shall not be governed by subsections 2 and 3 of section 45 but, subject to any order of the Court of Appeal, shall be upon the scale of costs allowed in county court appeals where the amount involved is within the proper competence of the county court, and, where it exceeds that amount, upon the Supreme Court scale. R.S.O. 1960, c. 233, s. 40 (5), *amended*.

FEES AND COSTS

44. The fee payable by every plaintiff, every plaintiff by counterclaim and every lien claimant, including every person recovering a personal judgment, in any action to realize a lien under this Act is, Fee

(*a*) $5 on a claim or counterclaim not exceeding $500;

(*b*) $10 on a claim or counterclaim exceeding $500 but not exceeding $1,000;

(*c*) $10 on a claim or counterclaim exceeding $1,000, plus $1 for every $1,000 or fraction thereof in excess of $1,000,

but no fee is payable on a claim for wages only, and in no case shall the fee on a claim exceed $75 or on a counterclaim exceed $25. R.S.O. 1960, c. 233, s. 41, *amended*.

45.—(1) Subject to subsections 2, 3, 4 and 5, any order as to costs in an action under this Act is in the discretion of the judge or officer who tries the action. R.S.O. 1960, c. 233, s. 46, *amended*. Costs not otherwise provided for

(2) The costs of the action, exclusive of actual disbursements, awarded to the plaintiffs and successful lienholders, shall not exceed in the aggregate 25 per cent of the total amount found to have been actually due on the liens at the time of the registration thereof, and shall be apportioned and borne in such proportion as the judge or officer who tries the action directs, but in making the apportionment he shall have regard to the actual services rendered by or on behalf of the parties respectively, provided that, where a counterclaim is set up by a defendant, the amount and apportionment of the costs in respect thereof are in the discretion of the judge or officer who tries the action. R.S.O. 1960, c. 233, s. 42, *amended*. Limit of costs to plaintiffs

(3) Where costs are awarded against the plaintiff or other persons claiming liens, they shall not exceed, except in the case of a counterclaim, 25 per cent of the claim of the plaintiff and the other claimants, besides actual disbursements, and shall be apportioned and borne as the judge or officer who tries the action directs. R.S.O. 1960, c. 233, s. 43, *amended*. Limit of costs against plaintiffs

(4) Where the least expensive course is not taken by a plaintiff, the costs allowed to him shall in no case exceed what would have been incurred if the least expensive course had been taken. R.S.O. 1960, c. 233, s. 44. Costs where least expensive course not taken

Cost of drawing and registering and vacating registration of lien

(5) Where a lien is discharged or vacated under section 25 or where judgment is given in favour of or against a claim for a lien, in addition to the costs of the action, the judge or officer who tries the action may allow a reasonable amount for the costs of drawing and registering the claim for lien or of vacating the registration thereof, but this does not apply where the claimant fails to establish a valid lien. R.S.O. 1960, c. 233, s. 45.

RULES OF PRACTICE

Rules of practice

46.—(1) The object of this Act being to enforce liens at the least expense, the procedure shall be as far as possible of a summary character, having regard to the amount and nature of the liens in question. R.S.O. 1960, c. 233, s. 47 (1).

Interlocutory proceedings

(2) Except where otherwise provided by this Act, no interlocutory proceedings shall be permitted without the consent of the judge or officer having jurisdiction to try the action, and then only upon proper proof that such proceedings are necessary.

Assistance of experts

(3) The judge or officer having jurisdiction to try the action may obtain the assistance of any merchant, accountant, actuary, building contractor, architect, engineer or person in such way as he deems fit, the better to enable him to determine any matter of fact in question, and may fix the remuneration of any such person and direct payment thereof by any of the parties. R.S.O. 1960, c. 233, s. 47 (2, 3), *amended*.

Rules of practice

(4) Unless otherwise provided in this Act, the Rules of Practice and Procedure of the Supreme Court apply to proceedings under this Act. *New*.

SERVICE OF DOCUMENTS

Service of documents

47. Except where otherwise directed by the judge or officer having jurisdiction to try the action, all documents relating to an action under this Act, other than statements of claim and notices of trial, are sufficiently served upon the intended recipient if sent by registered mail addressed to the intended recipient at his address for service. *New*.

LIENS ON CHATTELS

Right of chattel lienholder to sell chattel

48.—(1) Every person who has bestowed money, skill or materials upon any chattel or thing in the alteration or improvement of its properties or for the purpose of imparting an additional value to it, so as thereby to be entitled to a lien upon the chattel or thing for the amount or value of the money or skill and material bestowed, has, while the lien exists but not afterwards, in case the amount to which he is entitled remains

unpaid

unpaid for three months after it ought to have been paid, the right, in addition to any other remedy to which he may be entitled, to sell by auction the chattel or thing on giving one week's notice by advertisement in a newspaper having general circulation in the municipality in which the work was done, setting forth the name of the person indebted, the amount of the debt, a description of the chattel or thing to be sold, the time and place of sale, and the name of the auctioneer, and leaving a like notice in writing at the last known place of residence, if any, of the owner, if he is a resident of the municipality.

Application of proceeds of sale

(2) Such person shall apply the proceeds of the sale in payment of the amount due to him and the costs of advertising and sale and shall upon application pay over any surplus to the person entitled thereto. R.S.O. 1960, c. 233, s. 48, *amended*.

FORMS

Forms

49. The Lieutenant Governor in Council may make regulations prescribing forms and providing for their use. *New*.

MISCELLANEOUS

R.S.O. 1960, c. 233; 1961-62, c. 78; 1962-63, c. 79; 1966, c. 84, repealed

50. *The Mechanics' Lien Act*, *The Mechanics' Lien Amendment Act*, *1961-62*, *The Mechanics' Lien Amendment Act*, *1962-63* and *The Mechanics' Lien Amendment Act*, *1966* are repealed.

Commencement

51. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

52. This Act may be cited as *The Mechanics' Lien Act*, *1968-69*.

CHAPTER

CHAPTER 66

An Act to amend The Medical Services Insurance Act, 1965

Assented to May 13th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 20 of *The Medical Services Insurance Act, 1965*, as re-enacted by section 13 of *The Medical Services Insurance Amendment Act, 1966* and amended by section 7 of *The Medical Services Insurance Amendment Act, 1967*, is further amended by striking out "1967" in the amendment of 1967 and inserting in lieu thereof "1969", so that the subsection shall read as follows: 1965, c. 70, s. 20 (1966, c. 86, s. 13), subs. 1, amended

(1) Subject to subsections 2 and 4, the benefits under a standard contract during the period of two years commencing on the 1st day of April, 1969 shall be based upon 90 per cent of the Ontario Medical Association's schedule of fees in effect on that day, but, if during such period such schedule of fees is changed in respect of any ancillary or incidental matter or in respect of any new procedure and such changes are accepted by the Minister in accordance with the regulations, then, subject to subsections 2 and 4, the benefits under a standard contract during the remainder of such period shall be based upon 90 per cent of the schedule of fees as so changed and accepted. Benefits

2. This Act shall be deemed to have come into force on the 1st day of April, 1969. Commencement

3. This Act may be cited as *The Medical Services Insurance Amendment Act, 1968-69*. Short title

CHAPTER 67

An Act to amend The Milk Act, 1965

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Milk Act, 1965* is amended by adding thereto the following subsection: 1965, c. 72, s. 8, amended

(6*a*) Where the Commission authorizes a marketing board to exercise any of the powers mentioned in subsection 1, the marketing board, in the exercise of such powers, may make regulations or orders or issue directions. Authority of marketing board to make regulations

2.—(1) Each of the following regulations: Regulations declared valid and binding

1. Ontario Regulation 294/65, as amended by Ontario Regulations 160/66, 201/66, 261/66, 390/66, 194/67, 58/68 and 216/68.

2. Ontario Regulation 52/68, as amended by Ontario Regulation 131/68.

3. Ontario Regulation 68/68 as amended by Ontario Regulation 336/68.

4. Ontario Regulation 69/68, as amended by Ontario Regulation 220/68.

5. Ontario Regulation 70/68, as amended by Ontario Regulations 130/68, 221/68 and 292/68.

6. Ontario Regulation 71/68, as amended by Ontario Regulation 132/68,

shall be deemed to have been made under *The Milk Act, 1965*, as amended by section 1 of this Act, and shall be deemed to have been filed under *The Regulations Act* on the day of actual filing. R.S.O. 1960, c. 349

(2)

Powers not limited

(2) Nothing in subsection 1 limits the power of The Milk Commission of Ontario or The Ontario Milk Marketing Board, as the case may be, to amend or revoke any regulation mentioned in subsection 1.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Milk Amendment Act, 1968-69*.

CHAPTER 68

An Act to amend The Mining Act

Assented to, except section 6, April 1st, 1969
Section 6 assented to June 9th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 54 of *The Mining Act*, as amended by section 1 of *The Mining Amendment Act, 1965* and section 3 of *The Mining Amendment Act, 1967*, is repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 54, re-enacted

54. A licensee is not limited as to the number of mining claims that may be staked out and applied for in a licence year. Number of claims unlimited

2.—(1) Subsection 5 of section 62 of *The Mining Act*, as amended by section 4 of *The Mining Amendment Act, 1967*, is further amended by striking out "and letter or letters" in the fifth and sixth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 241, s. 62, subs. 5, amended

(5) As soon as is reasonably possible after the recording of the mining claim and not later than six months thereafter, the holder of the claim shall affix or cause to be affixed securely to each of the corresponding corner posts of the claim a metal tag plainly marked or impressed with the recorded number of the claim, and the recorder shall supply such numbered tags free of charge. Tagging claim posts after recording

(2) The said section 62 is amended by adding thereto the following subsection: R.S.O. 1960, c. 241, s. 62, amended

(9) At the time of recording, the recorder shall add to each claim number the prefix allotted to his division and such prefix shall form part of the claim number. Division prefix to form part of claim number

3.—(1) Subsection 1 of section 63 of *The Mining Act* is amended by striking out "the proper" in the first line and R.S.O. 1960, c. 241, s. 63, subs. 1, amended

inserting

inserting in lieu thereof "any" and by striking out "under section 54" in the third line, so that the subsection shall read as follows:

Issue of claim tags before staking

(1) A licensee may purchase from any mining recorder sets of metal tags for the number of mining claims that he is entitled to stake, and the purchase of such tags and the date thereof shall be endorsed by the mining recorder on the licence of the purchaser.

R.S.O. 1960, c. 241, s. 63, subs. 5, re-enacted

(2) Subsection 5 of the said section 63 is repealed and the following substituted therefor:

Tags may be used in any division

(5) Metal tags purchased under this section may be used for staking out mining claims in any mining division.

R.S.O. 1960, c. 241, s. 68*a* (1962-63, c. 84, s. 17), amended

4. Section 68*a* of *The Mining Act*, as enacted by section 17 of *The Mining Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

Where surface rights required for public use

(6) Where surface rights on an unpatented mining claim are required for the use of the Crown or other public use, this section applies *mutatis mutandis*.

R.S.O. 1960, c. 241, s. 101 (1967, c. 54, s. 12), amended

5. Section 101 of *The Mining Act*, as enacted by section 12 of *The Mining Amendment Act, 1967*, is amended by adding thereto the following subsection:

Omission of reservations, etc.

(4) The Minister may omit reservations or provisions contained in subsection 1 from a lease issued under section 100*c* where such reservations or provisions are contrary to the purpose of the lease.

R.S.O. 1960, c. 241, s. 106, re-enacted

6. Section 106 of *The Mining Act* is repealed and the following substituted therefor:

Condition of patent ores to be treated in Canada

106.—(1) All lands, claims or mining rights patented, leased or otherwise disposed of under this or any other Act or by any authority whatsoever, are subject to the condition that all ores or minerals raised or removed therefrom shall be treated and refined in Canada, so as to yield refined metal or other product suitable for direct use in the arts without further treatment, in default whereof the Lieutenant Governor in Council may declare the lease, patent or other form of title of such lands, claims or mining rights to be void, and the order in council so declaring shall be registered in the office of the proper master of titles or registry office, as the case may be, or in the case of a licence of occu-

pation

pation, filed in the Minister's office, whereupon such lands, claims or mining rights revert to and become vested in Her Majesty, Her heirs and successors, freed and discharged of any interest or claim of any other person.

Exemptions

(2) The Lieutenant Governor in Council may exempt any lands, claims or mining rights from the operation of this section for such period of time as seems proper.

Where conflict, section prevails

(3) Where there is any conflict between the provisions of this section and the provisions of any general or special Act, the provisions of this section prevail.

Commencement

7.—(1) This Act, except section 6, comes into force on the 1st day of April, 1969.

Idem

(2) Section 6 comes into force on the 1st day of January, 1970.

Short title

8. This Act may be cited as *The Mining Amendment Act, 1968-69*.

CHAPTER 69

An Act to amend The Mining Tax Act

Assented to June 9th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Mining Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 242, s. 1, cl. *d*, re-enacted

(*d*) "mine" means any opening in or working of the ground from or by which metalliferous ore or other mineral substance, as defined in clause *f*, is taken, and includes the mining claim, mining location and the whole parcel of land in which any such workings are being or have been carried on, but for the purposes of section 9, "mineral substance" includes diatomaceous earth, limestone, marl, peat, clay, building stone or stone for ornamental or decorative purposes, non-auriferous sand or gravel, natural gas or petroleum or sodium chloride recovered by the solution method.

(2) Clause *f* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 242, s. 1, cl. *f*, re-enacted

(*f*) "mineral substance" means ores, rocks and minerals of every kind whether inorganic or organic, but does not include diatomaceous earth, limestone, marl, peat, clay, building stone or stone for ornamental or decorative purposes, non-auriferous sand or gravel, natural gas or petroleum, or sodium chloride recovered by the solution method.

2.—(1) Subsection 1 of section 3 of *The Mining Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 242, s. 3, subs. 1, re-enacted

(1) Every mine, whose profit, as determined under this section, exceeds $50,000 in a taxation year, is liable for and the owner, manager, holder, lessee, tenant, Profit tax

occupier

occupier or operator of the mine shall pay a tax of 15 per cent on the total profit of the mine in the taxation year, as determined under this section.

R.S.O. 1960, c. 242, s. 3, subs. 3, cl. *k*, amended

(2) Clause *k* of subsection 3 of the said section 3 is amended by adding at the end thereof "and where any such disposal is made at any time after the close of mining operations, notwithstanding subsection 2 of section 10, the tax for the last taxation year shall be re-assessed for the purpose of depreciation recovery where applicable", so that the clause shall read as follows:

(*k*) an allowance for depreciation of not less than 5 per cent per annum and not more than 15 per cent per annum of the cost or value as determined by the mine assessor at the close of the taxation year of the mining plant, machinery, equipment and buildings until the full value or cost thereof has been allowed as an expense under this section, but where the mining plant, machinery, equipment and buildings or any part thereof have been disposed of, the proceeds from such disposal shall be applied to reduce the cost or value of any additions thereto in the taxation year, and where such proceeds exceed the cost of such additions, such excess shall be applied to reduce the balance remaining to be depreciated of such assets acquired in previous years, and where no such balance remains to be depreciated, such excess shall be applied to reduce deductions otherwise allowable under this section, and where any such disposal is made at any time after the close of mining operations, notwithstanding subsection 2 of section 10, the tax for the last taxation year shall be re-assessed for the purpose of depreciation recovery where applicable.

R.S.O. 1960, c. 242, s. 3, subs. 3, amended

(3) Subsection 3 of the said section 3 is amended by striking out "and" at the end of clause *l*, by adding "and" at the end of clause *m* and by adding thereto the following clause:

(*n*) an allowance for the cost of development of the mine of 10 per cent per annum of the capitalized cost of development, provided,

(i) that such mine came into production after the 1st day of January, 1965,

(ii) that the ore taken from the mine is beneficiated, at least to the smelter stage, in Canada,

(iii) that it is assumed that 10 per cent of the cost of such development has been written off for each taxation year of production prior to the first taxation year in which the ore or part thereof is or has been treated to at least the smelter stage in Canada or prior to the taxation year ending in the year 1969, whichever is the later, and

(iv) that if any portion of the ore has been or will be smelted outside Canada, then only that proportion of the annual allowance for the cost of development work that the selling value of the product of the ore treated to at least the smelter stage in Canada bears to the selling value of all products of the mine will be permitted as a deduction.

R.S.O. 1960, c. 242, s. 3, amended

(4) The said section 3 is amended by adding thereto the following subsection.

Exemption of ore under subs. 3, cl. *n*

(3*a*) The Lieutenant Governor in Council may exempt any ore taken from a mine from the provisions of subclauses ii, iii and iv of clause *n* of subsection 3.

R.S.O. 1960, c. 242, s. 3, subs. 4, cl. *e*, amended

(5) Clause *e* of subsection 4 of the said section 3 is amended by adding at the end thereof "except as provided in clause *n* of subsection 3", so that the clause shall read as follows:

(*e*) cost of development of the mine liable for taxation under this Act before the commencement of output therefrom, except as provided in clause *n* of subsection 3.

R.S.O. 1960, c. 242, s. 3, subs. 5, repealed

(6) Subsection 5 of the said section 3 is repealed.

R.S.O. 1960, c. 242, s. 10, subs. 1, re-enacted

3.—(1) Subsection 1 of section 10 of *The Mining Tax Act* is repealed and the following substituted therefor:

Preparation of tax roll

(1) A mine assessor or other officer or person acting under the direction of the Minister shall, as soon as practicable after sending the assessment notices under section 11, prepare a tax roll showing all mines and persons assessed for the taxes imposed under section 3 and showing the quantity and value of output from each mine, the amount of deductions therefrom under various headings as far as is practicable, the profits for which each mine and person is assessed and the amount of tax payable by each.

Appeal

(1*a*) Where the person liable for the payment of tax under section 3 is not satisfied with the notice of assessment of such tax sent under section 11, he may appeal the assessment, as provided in subsection 3, within fifteen days after the mailing of the notice.

R.S.O. 1960, c. 242, s. 10, subs. 3, amended

(2) Subsection 3 of the said section 10 is amended by striking out "subsection 1" in the first line and inserting in lieu thereof "subsection 1*a*".

R.S.O. 1960, c. 242, s. 10, subs. 4, repealed

(3) Subsection 4 of the said section 10 is repealed.

R.S.O. 1960, c. 242, s. 10, subs. 5, amended

(4) Subsection 5 of the said section 10 is amended by striking out "direction or reference under subsection 3 or 4" in the second and third lines and inserting in lieu thereof "reference under subsection 3".

R.S.O. 1960, c. 242, s. 12, re-enacted

4. Section 12 of *The Mining Tax Act* is repealed and the following substituted therefor:

Payment of municipal or school board tax under R.S.O. 1960, c. 23

12. Where a person who is liable for payment of tax under section 3 is also during any year in which such tax is payable liable to a municipality or a school board of a school section in territory without municipal organization for a tax under subsection 11 of section 35 of *The Assessment Act*, the amount of the tax under such subsection 11 shall be paid, subject to an appeal under section 10, to the municipality or school board out of the tax paid under section 3.

R.S.O. 1960, c. 242, s. 13, amended

5. Section 13 of *The Mining Tax Act* is amended by striking out "Minister" in the fifth line and inserting in lieu thereof "Lieutenant Governor in Council", so that the section shall read as follows:

Compromise of tax

13. In case any doubt or dispute arises as to the liability of any person to pay a tax or any part of a tax demanded under this Act, or where owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed under this Act, the Lieutenant Governor in Council may compromise the matter by the acceptance of such amount as he deems proper; and in case the tax claimed has been paid under protest he may refund it or any part of it to the person making such payment.

R.S.O. 1960, c. 242, s. 14, re-enacted

6. Section 14 of *The Mining Tax Act* is repealed and the following substituted therefor:

14. The Lieutenant Governor in Council may remit the tax under section 3 upon the profits arising out of the mining of iron ore where he is satisfied that the iron ore has been smelted in Canada or delivered to a blast furnace therein for the purpose of being smelted. Remission of tax on iron ore profits

7. Subsection 2 of section 15 of *The Mining Tax Act* is amended by striking out "Minister" in the first line and inserting in lieu thereof "Lieutenant Governor in Council", so that the subsection shall read as follows: R.S.O. 1960, c. 242, s. 15, subs. 2, amended

(2) The Lieutenant Governor in Council may remit the annual tax to the extent of $250 on natural gas consumed in Canada. Remission of tax

8. Section 26 of *The Mining Tax Act* is amended by striking out "mining location, mining claim, land or mining rights and upon all ore, minerals or mineral-bearing substances taken therefrom" in the third, fourth and fifth lines, so that the section shall read as follows: R.S.O. 1960, c. 242, s. 26, amended

26. All taxes, double taxes, added percentages, penalties and costs payable under this Act are a special lien on the mine and upon the gas well or wells and the leases of and rights respecting the same and upon all machinery upon or connected with the mine or gas well or wells in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of such person has accrued before or accrues after the attaching of such lien, and its priority shall not be lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and such lien may be realized by action for sale of any or all property, leases and rights subject to such lien. Special lien and priority of the tax

9.—(1) Sections 33 and 34 of *The Mining Tax Act* are repealed. R.S.O. 1960, c. 242, ss. 33, 34, repealed

(2) *The Mining Tax Amendment Act, 1959* is repealed. 1959, c. 61, repealed

10.—(1) Subsection 1 of section 3 of *The Mining Tax Act*, as re-enacted by subsection 1 of section 2, applies with respect to taxation years ending in 1969 and subsequent taxation years. Application of Act R.S.O. 1960, c. 242

(2) Clause *k* of subsection 3 of section 3 of *The Mining Tax Act*, as amended by subsection 2 of section 2, and clause *n* of subsection 3 of the said section 3, as enacted by subsection 3 Idem

of

of section 2, apply with respect to taxation years ending in 1969 and subsequent taxation years.

Idem

(3) Clause *e* of subsection 4 of section 3 of *The Mining Tax Act*, as amended by subsection 5 of section 2, is effective with respect to taxation years ending in 1969 and subsequent taxation years.

Commencement

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Mining Tax Amendment Act, 1968-69*.

CHAPTER 70

An Act to amend The Moosonee Development Area Board Act, 1966

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Moosonee Development Area Board Act, 1966* is amended by adding thereto the following subsection: 1966, c. 89, s. 2, amended

(6) The Board shall appoint a secretary-treasurer who may be a member of the Board, who shall hold office during pleasure and, with respect to the Development Area, has the powers and shall perform the duties of the clerk, treasurer and collector of a municipality. Secretary-treasurer

2. Section 3 of *The Moosonee Development Area Board Act, 1966* is amended by inserting after "township" in the third and fourth lines "including, but without limiting the generality of the foregoing, the power to levy, impose and collect taxes and rates", so that the section shall read as follows: 1966, c. 89, s. 3, amended

3. For the purposes of every Act, the Board, in respect of the purposes specified in Schedule B, has, in the Development Area, all the powers and duties of the council of a township including, but without limiting the generality of the foregoing, the power to levy, impose and collect taxes and rates, and, when any such power or duty is exercised under any Act in respect of any of such purposes, the Act applies *mutatis mutandis*. Powers of Board

3. *The Moosonee Development Area Board Act, 1966* is amended by adding thereto the following section: 1966, c. 89, amended

3*a*. In addition to the powers provided in section 3, the Board may, Further powers of Board

(*a*)

(*a*) acquire and hold land within the Development Area for development purposes;

(*b*) survey, clear, grade, subdivide and service such land; and

(*c*) sell, lease or otherwise dispose of such land.

1966, c. 89, Sched. A, re-enacted

4. Schedule A to *The Moosonee Development Area Board Act, 1966* is repealed and the following substituted therefor:

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the District of Cochrane and Province of Ontario, being composed of the whole of the geographic townships of Caron, Horden and Moose, including the Moosonee Townsite, part of the right-of-way of the Ontario Northland Transportation Commission and part of the Moose River, which said parcel or tract of land may be more particularly described as follows:

COMMENCING at the southwest angle of the said Township of Horden;

THENCE due north astronomically along the west boundary of the said township being along the centre line of the allowance for road between the townships of Winnington and Horden as established by Ontario Land Surveyor H. W. Sutcliffe in the year 1932, a distance of 1 mile (5,280 feet) to the 1-mile post;

THENCE North 0° 00.7′ East astronomically, continuing along the west boundary of the said Township of Horden being along the centre line of the road allowance between the townships of Winnington and Horden as established by the said H. W. Sutcliffe in the year 1932, a distance of 20 chains (1,320 feet);

THENCE due north astronomically continuing along the centre of the road allowance between the townships of Winnington and Horden as established by the said H. W. Sutcliffe in the year 1932, a distance of 300 chains (19,800 feet) to the 5-mile post;

THENCE North 0° 00.5′ East astronomically, continuing along the west boundary of the said Township of Horden, being along the centre line of the allowance for road between the townships of Winnington and Horden as established by the said H. W. Sutcliffe in the year 1932, a distance of 1 mile (5,280 feet) to the 6-mile post;

THENCE due north astronomically continuing along the west boundary of the said Township of Horden as established by the said H. W. Sutcliffe in the year 1932, a distance of 1 mile (5,280 feet) to the 7-mile post;

THENCE North 0° 00.1′ West astronomically, continuing along the west boundary of the said Township of Horden, as established by the said H. W. Sutcliffe in the year 1932, a distance of 40.0 chains (2,640 feet) to a post;

THENCE due north astronomically continuing along the west boundary of the said Township of Horden, being along the centre line of the allowance for road between the townships of Winnington and Horden, as established by the said H. W. Sutcliffe in the year 1932, a distance of 40 chains (2,640 feet) to the 8-mile post;

THENCE North 0° 00.4′ West astronomically continuing along the west boundary of the said Township of Horden, being along the centre of the allowance for road between the townships of Winnington and Horden, as established by the said H. W. Sutcliffe in the year 1932, a distance of 80 chains (5,280 feet) to the northwest angle of the said Township of Horden and the southwest angle of the Township of Caron;

THENCE North 0° 00.4′ West along the west boundary of the Township of Caron, being along the centre line of the allowance for road between the townships of Caron and Greer, as established by Ontario Land Surveyor H. W. Sutcliffe in the year 1932, a distance of 5.0 miles (26,400 feet) to a point;

THENCE North 0° 01.3′ West astronomically continuing along the west boundary of the Township of Caron, as established by the said H. W. Sutcliffe in the year 1932, a distance of 40 chains (2,640 feet) to a point;

THENCE due north continuing along the west boundary of the Township of Caron, being along the boundary between the townships of Caron and Greer, as established by the said H. W. Sutcliffe in the year 1932, a distance of 279.39 chains (18,439.74 feet) more or less to the northwest angle of the Township of Caron;

THENCE North 89° 59′ East, astronomically, along the north boundary of the said Township of Caron, as established by Ontario Land Surveyor H. W. Sutcliffe in the year 1932, a distance of 77.98 chains (5,146.68 feet) to the 8-mile post;

THENCE due east, astronomically, continuing along the north boundary of the Township of Caron, as established by the said H. W. Sutcliffe in the year 1932, a distance of 80.00 chains (5,280 feet) to the 7-mile post;

THENCE South 89° 59.5′ East, astronomically, continuing along the north boundary of the Township of Caron, as established by the said H. W. Sutcliffe in the year 1932, a distance of 80.00 chains (5,280 feet) to the 6-mile post;

THENCE due east, astronomically, continuing along the north boundary of the Township of Caron, as established by the said H. W. Sutcliffe in the year 1932, a distance of 6.0 miles (31,680 feet) more or less, to the northeast angle of the Township of Caron and the northwest angle of the Township of Moose;

THENCE due east, astronomically, along the north boundary of the said Township of Moose, as established by Ontario Land Surveyor H. W. Sutcliffe in the year 1932, a distance of 2 miles (10,560 feet) to the 2-mile post;

THENCE North 89° 59.7′ East, astronomically, continuing along the north boundary of the said Township of Moose, as established by the said H. W. Sutcliffe in the year 1932, a distance of 20 chains (1,320 feet);

THENCE due east, astronomically, continuing along the north boundary of the said Township of Moose, as established by the said H. W. Sutcliffe in the year 1932, a distance of 300 chains (19,800 feet) to the 6-mile post;

THENCE South 89° 59.8′ East, astronomically, continuing along the north boundary of the said Township of Moose, as established by the said H. W. Sutcliffe in the year 1932, a distance of 40 chains (2,640 feet);

THENCE due east, astronomically, continuing along the north boundary of the Township of Moose, as established by the said H. W. Sutcliffe in the year 1932, a distance of 169 chains (11,154 feet) to the extreme high tide line of James Bay;

THENCE due east, astronomically, continuing along the north boundary of the said Township of Moose, a distance of 82.13 chains (5,420.58 feet) more or less to the normal high tide line or shore of James Bay;

THENCE southerly and southeasterly along the shore of James Bay and along the north shore of Ship Sands Island and continuing southeasterly to a point in Moose River along a line joining the northeasterly extremity of Ship Sands Island and Arnold Point, distant one mile (5,280 feet) measured southeasterly at right angles from the southeast shore of the said Island;

THENCE southwesterly parallel with the southeast shore of Ship Sands Island and continuing southwesterly parallel with the left bank of the Moose River and distant 1 mile (5,280 feet) measuring southeasterly at right angles to the said bank, to the intersection of said parallel line with the easterly prolongation of the south boundary of the Township of Horden;

THENCE North 89° 55′ West, astronomically, along the last-mentioned prolongation to the westerly limit of the road allowance along the north bank of Moose River;

THENCE continuing North 89° 55′ West, astronomically, along the south boundary of the said Township of Horden, being along the centre line of the allowance for road between the townships of Horden and Parr, as established by Ontario Land Surveyor H. W. Sutcliffe in the year 1932, a distance of 89.31 chains (5,894.46 feet) more or less, to the point of commencement.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Moosonee Development Area Board Amendment Act, 1968-69.*

CHAPTER

CHAPTER 71

The Mortgage Brokers Act, 1968-69

Assented to October 31st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Department" means the Department of Financial and Commercial Affairs;

(*b*) "Director" means the Director of the Consumer Protection Division of the Department;

(*c*) "Minister" means the Minister of Financial and Commercial Affairs;

(*d*) "mortgage" has the same meaning as in *The Mortgages Act*; R.S.O. 1960, c. 245

(*e*) "mortgage broker" means a person who carries on the business of lending money on the security of real estate, whether the money is his own or that of another person, or who holds himself out as or who by an advertisement, notice or sign indicates that he is a mortgage broker, or a person who carries on the business of dealing in mortgages;

(*f*) "prescribed" means prescribed by this Act or the regulations;

(*g*) "registered" means registered under this Act;

(*h*) "Registrar" means the Registrar of Mortgage Brokers;

(*i*) "regulations" means the regulations made under this Act;

(*j*)

1966 c. 41

(*j*) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*. R.S.O. 1960, c. 244, s. 1; 1964, c. 63, s. 1, *amended*.

Exemptions

2. This Act does not apply to,

R.S.O. 1960, cc. 190, 194

(*a*) corporations registered under *The Insurance Act* or *The Investment Contracts Act*;

R.S.O. 1960, cc. 222, 344

(*b*) corporations registered under *The Loan and Trust Corporations Act* that are not also registered under *The Real Estate and Business Brokers Act*;

1966-67, c. 87 (Can.)

(*c*) banks under the *Bank Act* (Canada);

(*d*) credit unions;

(*e*) non-resident insurance companies loaning on the security of first mortgages or acquiring first mortgages of Ontario real estate by virtue of a licence in mortmain or under section 347 of *The Corporations Act*;

R.S.O. 1960, c. 71

(*f*) an employee of a party to a mortgage transaction when the employee is acting for or on behalf of his employer. R.S.O. 1960, c. 244, s. 14; 1964, c. 63, s. 8, *amended*.

Registrar

3.—(1) There shall be a Registrar of Mortgage Brokers who shall be appointed by the Lieutenant Governor in Council. *New*.

Duties of Registrar

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. R.S.O. 1960, c. 244, s. 2, *amended*.

Registration required

4.—(1) No person shall carry on business as a mortgage broker unless he is registered by the Registrar under this Act.

Name and place of business

(2) A registered mortgage broker shall not carry on business in a name other than the name in which he is registered or invite the public to deal at a place other than that authorized by the registration.

Publication of registration

(3) No person shall publish or cause to be published in writing any representation that he is registered under this Act. 1964, c. 63, s. 3, *part*, *amended*.

Registered real estate brokers R.S.O. 1960, c. 344

(4) Every person who is registered as a real estate broker under *The Real Estate and Business Brokers Act* shall, so long as he is so registered, be deemed to be registered as a mortgage broker under this Act. 1961-62, c. 82, s. 1.

Registration of mortgage brokers

5.—(1) An applicant is entitled to registration or renewal of registration except where,

(*a*) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;

(*b*) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted; or

(*c*) the applicant is or proposes to be in contravention of this Act or the regulations.

Conditions of registration

(2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. 1964, c. 63, s. 3, *part*, *amended*.

Revocation

6.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a condition of the registration. 1964, c. 63, s. 3, *part*, *amended*.

Voluntary cancellation

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. *New*.

Hearing by Tribunal

7.—(1) Where the Registrar refuses to issue or renew a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

Stay of refusal to renew

(2) Where the Registrar refuses to renew a registration, the applicant shall be deemed to continue to be registered until an order is made by the Tribunal or until the time for requiring a hearing by the Tribunal expires, whichever occurs first.

Notice of hearing

(3) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Idem

(4) The notice of hearing shall contain,

(*a*) a statement of the time and place of the hearing;

(*b*) a statement of the statutory power under which the hearing is being held;

(*c*) a reference to the rules of procedure applicable to the hearing;

(*d*) a concise statement of the issues; and

(*e*) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings. *New.*

Parties

8.—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Failure to attend

(2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence. *New.*

Adjournment

9.—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,

(*a*) on its own motion; or

(*b*) on the motion of any party to the hearing.

Subpoenas

(2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.

Oaths

(3) The Tribunal may require any person,

(*a*) to give evidence on oath at a hearing; and

(*b*) to produce such documents and things as the Tribunal requires.

Objection re self-incrimination

R.S.O. 1960, c. 125

R.S.C. 1952, c. 307

(4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act.*

Idem

(5) The Tribunal may admit evidence not given under oath.

Offences

(6) Any person who, without lawful excuse,

(*a*) on being duly summoned as a witness before the Tribunal, makes default in attending; or

(*b*) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or

(*c*) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

Enforcement

(7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

Right of party to counsel

10. Any party may be represented before the Tribunal by counsel or agent. *New.*

Right of witness to counsel

11.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Exclusion of counsel

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. *New.*

Right of parties at hearing

12. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. *New.*

Hearings to be open to public; exceptions

13.—(1) All hearings shall be open to the public except where the Tribunal finds that,

(*a*) public security may be involved; or

(*b*) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

Idem

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. *New.*

Release of exhibits

14. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. *New.*

Specialized knowledge

15.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.

Notice

(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.

Contents and service of notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. *New.*

Record

16. All oral evidence received by the Tribunal shall be taken down in writing and together with,

(*a*) the notice of hearing;

(*b*) any rulings or orders made in the course of the proceedings of the Tribunal;

(*c*) any written submissions received by the Tribunal; and

(*d*) the decision and the reasons therefor,

form the record. *New.*

Decision of Tribunal

17.—(1) The Tribunal may, after the hearing,

(*a*) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;

(*b*) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision to be in writing

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of reasons for decision

(3) The reasons for the final decision shall contain,

(*a*) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(*b*) any agreed findings of facts; and

(*c*) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of decision

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal. *New.*

Enforcement of decisions

18. A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. *New.*

Appeal to Court of Appeal

19.—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

Counsel

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.

Decision of court

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

Idem

(4) The decision of the Court of Appeal is final. *New.*

Stay

20. An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately, but the Tribunal may grant a stay until the order becomes final. *New.*

Further applications

21. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. 1964, c. 63, s. 3, *part*, *amended*.

Investigation of complaints

22.—(1) Where the Registrar receives a complaint in respect of a mortgage broker and so requests in writing, the mortgage broker shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires. 1964, c. 63, s. 4 (1).

Idem

(2) The request under subsection 1 shall indicate the nature of the inquiry involved. *New*.

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the mortgage broker to make an inspection in relation to the complaint. 1964, c. 63, s. 4 (2), *amended*.

Inspection

23.—(1) The registrar or any person designated by him in writing may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a mortgage broker while unregistered, the Registrar or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 4. *New*.

Powers on inspection

24.—(1) Upon an inspection under section 22 or 23, the person inspecting,

(*a*) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and

(*b*) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility of copies

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original. *New.*

Investigations

25.—(1) Where, upon a statement made under oath, it appears probable to the Director that any person has,

(*a*) contravened any of the provisions of this Act or the regulations;

(*b*) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act; 1953-54, c. 51 (Can.)

(*c*) by any false, misleading or deceptive statement or advertisement, representation or promise, or by any dishonest concealment of material facts, induced or attempted to induce any person to borrow money or to be responsible for the repayment thereof or to agree to the terms of any transaction with respect to money lent on the security of a mortgage; or

(*d*) induced or attempted to induce any person to pay or be responsible for the payment of excessive or exorbitant fees or expenses in connection with a loan on the security of a mortgage,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such contravention, commission or conduct has occurred and shall report the result of his investigation to the Director.

Investigation by order of Minister

(2) Notwithstanding subsection 1, the Minister may by order appoint one or more persons to make an investigation into any matter relating to the business of lending money on the security of real estate or dealing in mortgages or for the due administration of this Act, and the person appointed shall report the result of his investigation to the Minister.

Scope of investigation

(3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made

and

and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation.

Removal of records

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated.

Admissibility of copies

(5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original document or record.

Appointment of experts

(6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act.

Evidence by witness

(7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 9 and section 11 apply to the investigator and the witness in the same manner as to the Tribunal and witnesses before it.

Confidentiality

(8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation.

Report to Minister

(9) Where, upon the report of an investigation made under subsection 1, it appears to the Director that a contravention, a commission of an offence or conduct referred to in subsection 1 has occurred, the Director shall make a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister. 1964, c. 63, s. 5, *part, amended.*

Order to refrain from dealing with assets

26.—(1) The Director may,

(*a*) after an investigation of any person has been ordered under section 25; or

(*b*) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank or loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction. R.S.C. 1952, cc. 14, 296 R.S.O. 1960, cc. 197, 71

Bond in lieu

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

(*a*) a personal bond accompanied by collateral security;

(*b*) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or R.S.O. 1960, c. 168

(*c*) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director determines.

Application for direction

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just. R.S.O. 1960, c. 244, s. 9; 1964, c. 63, s. 6, *amended*.

Notice to registrar of deeds, etc.

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice. *New.*

Notice of changes

27.—(1) Every mortgage broker shall, within five days after the event, notify the Registrar in writing of,

(*a*) any change in his address for service;

(*b*) any change in the officers in the case of a corporation or of the members in the case of a partnership. 1964, c. 63, s. 3, *part*, *amended.*

Idem

(2) The registrar shall be deemed to be notified under subsection 1 on the day on which he is actually notified or, where the notification is by mail, on the day of mailing.

Financial statements

(3) Every mortgage broker shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the mortgage broker and certified by a person licensed under *The Public Accountancy Act.*

R.S.O. 1960, c. 317

Statement confidential

(4) The information contained in a financial statement filed under subsection 3 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement. *New.*

False advertising

28. Where, in the opinion of the Registrar, a mortgage broker is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 7 to 19 apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. 1962-63, c. 85, s. 5, *amended.*

Service

29.—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing. 1964, c. 63, s. 3, *part*, *amended*. Idem

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal. *New*. Exception

30.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit. Restraining orders

(2) An appeal lies to the Court of Appeal from an order made under subsection 1. *New*. Appeal

31.—(1) Every person who, knowingly, Offences

(*a*) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;

(*b*) fails to comply with any order, direction or other requirement made under this Act; or

(*c*) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is $25,000 and not as provided therein. Corporations

(3) No proceedings under this section shall be instituted except with the consent of the Minister. Consent of Minister

(4) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director. Limitation

(5) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the Idem

subject-matter

subject-matter of the proceeding arose. 1964, c. 63, s. 7, *part, amended.*

Certificate as evidence

32. A statement as to,

(*a*) the registration or non-registration of any person;

(*b*) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

(*c*) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or

(*d*) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. 1964, c. 63, s. 7, *part, amended.*

Regulations

33. The Lieutenant Governor in Council may make regulations,

(*a*) exempting persons or classes of persons from this Act in addition to those exempted under section 2;

(*b*) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;

(*c*) requiring the payment of fees on application for registration or renewal of registration and prescribing the amount thereof;

(*d*) prescribing forms for the purposes of this Act and providing for their use;

(*e*) requiring and governing the maintenance of trust accounts by mortgage brokers and prescribing the moneys that shall be held in trust and the terms and conditions thereof;

(*f*) requiring and governing the books, accounts and records that shall be kept by mortgage brokers;

(*g*) prescribing the information that mortgage brokers shall furnish to borrowers;

(*h*) requiring mortgage brokers to make returns and furnish information to the Registrar;

(*i*) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;

(*j*) prescribing further procedures respecting the conduct of matters coming before the Tribunal;

(*k*) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof. R.S.O. 1960, c. 244, s. 15; 1960-61, c. 57, s. 3; 1964, c. 63, s. 8, *amended*.

34.—(1) *The Mortgage Brokers Registration Act*, *The Mortgage Brokers Registration Amendment Act, 1960-61*, *The Mortgage Brokers Registration Amendment Act, 1961-62*, *The Mortgage Brokers Registration Amendment Act, 1962-63* and *The Mortgage Brokers Registration Amendment Act, 1964* are repealed. R.S.O. 1960, c. 244; 1960-61, c. 57; 1961-62, c. 82; 1962-63, c. 85; 1964, c. 63, repealed

(2) Notwithstanding subsection 1, the Acts referred to therein continue to apply in respect of any investigation, proceeding or prosecution commenced thereunder before this Act comes into force, except that any certificate required to be given by the Director of the Registration and Examination Branch of the Department under such Acts and given after this Act comes into force shall be given by the Director of the Consumer Protection Division. Unfinished proceedings

(3) For the purpose of any prosecution commenced under the Acts referred to in subsection 1 or this Act, any knowledge of the Director of the Registration and Examination Branch of the Department shall be imputed to the Director of the Consumer Protection Division. Director's knowledge imputed

35. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

36. This Act may be cited as *The Mortgage Brokers Act*, *1968-69*. Short title

CHAPTER

CHAPTER 72

An Act to amend The Mortmain and Charitable Uses Act

Assented to June 18th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Mortmain and Charitable Uses Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 246, s. 1, subs. 1, amended

(*ca*) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council.

2.—(1) Subsection 2 of section 4 of *The Mortmain and Charitable Uses Act* is amended by striking out "Provincial Secretary" in the first line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 246, s. 4, subs. 2, amended

(2) Subsection 3 of the said section 4 is amended by striking out "Provincial Secretary" in the third line and in the fifth and sixth lines and inserting in lieu thereof in each instance "Minister". R.S.O. 1960, c. 246, s. 4, subs. 3, amended

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Mortmain and Charitable Uses Amendment Act, 1968-69.* Short title

CHAPTER 73

An Act to amend The Motor Vehicle Accident Claims Act, 1961-62

Assented to May 13th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Motor Vehicle Accident Claims Act, 1961-62*, as amended by section 5 of *The Motor Vehicle Accident Claims Amendment Act, 1964* and section 1 of *The Motor Vehicle Accident Claims Amendment Act, 1968*, is further amended by adding thereto the following subsection: 1961-62, c. 84, s. 7, amended

(5) Where a deceased person, if living, would be the defendant or the defendant in the action dies and the personal representative, if any, of the deceased person does not defend the action and no administrator *ad litem* is appointed, the Minister may exercise the rights and take the action referred to in subsection 2 in the name of the deceased and may assert a counterclaim on behalf of the estate of the deceased. Deceased defendant

2.—(1) Subsection 1 of section 22 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 84, s. 22, subs. 1, re-enacted

(1) In respect of any application under section 5 or 6 for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of September, 1969, and subject to subsection 4, the Minister shall not pay out of the Fund more than the total amount of $50,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one uninsured motor vehicle and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any Limits payable from Fund

claims

claims arising out of any bodily injury or death to the extent of $5,000, but in any event the Minister shall not pay out of the Fund more than a total of $5,000 in respect of all claims arising out of the loss of or damage to property occasioned by any one uninsured vehicle and arising out of any one accident.

Idem

(1*a*) In respect of applications under section 5 or 6 for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of October, 1962, and before the 1st day of September, 1969, and subject to subsection 4, the Minister shall not pay out of the Fund more than the total amount of $35,000, exclusive of costs, for all damages on account of injury to one or more persons, death of one or more persons, loss of property and damage to property arising out of any one accident, and, where in any one accident damages result from bodily injury or death and loss of or damage to property, the claims arising out of such loss of or damage to property have priority over claims arising out of such bodily injury or death to the extent of $5,000, and in any event the Minister shall not pay out of the Fund more than a total amount of $5,000 in respect of all claims arising out of loss of or damage to property in any one accident.

1961-62, c. 84, s. 22, subs. 4, amended

(2) Subsection 4 of the said section 22 is amended by striking out clause *a*, by relettering clause *b* as clause *c*, by relettering clause *c* as clause *d* and by adding thereto the following clauses:

(*a*) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of September, 1969, more than $50,000, exclusive of costs, for all damages on account of injury to one or more persons and the death of one or more persons occasioned by any one uninsured motor vehicle and arising out of any one accident; or

(*b*) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of October, 1962, and before the 1st day of September, 1969, more than the total amount of $35,000, exclusive of costs, for all damages on account of injury to one or more persons and the death of one or more persons arising out of any one accident; or

. . . . .

3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commencement

(2) Section 2 comes into force on the 1st day of September, 1969. Idem

4. This Act may be cited as *The Motor Vehicle Accident Claims Amendment Act, 1968-69.* Short title

CHAPTER

CHAPTER 74

An Act to amend The Municipal Act

Assented to, except sections 32 and 35, December 17th, 1969
Sections 32 and 35 assented to November 28th, 1968
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Municipal Act*, as amended by section 1 of *The Municipal Amendment Act, 1965*, is further amended by adding thereto the following clauses: R.S.O. 1960, c. 249, s. 1, amended

(*aa*) "assessment commissioner" in relation to a municipality means the assessment commissioner appointed under *The Assessment Act, 1968-69* for the assessment region in which the municipality is situate; 1968-69, c. 6

(*ab*) "Assessment Review Court" means the Assessment Review Court established by *The Assessment Act, 1968-69;*

(*ac*) "assessor" means the assessment commissioner and anyone acting under his authority.

2. Subsection 10 of section 14 of *The Municipal Act*, as amended by section 3 of *The Municipal Amendment Act, 1965*, section 2 of *The Municipal Amendment Act, 1966* and subsection 1 of section 1 of *The Municipal Amendment Act, 1967*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 249, s. 14, subs. 10, amended

(*ga*) direct the name that shall be borne by any municipality affected by any such order

3. Clause *e* of subsection 1 of section 35 of *The Municipal Act* is amended by striking out "an assessment commissioner, assessor" in the first line, so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 35, subs. 1, cl. *e*, amended

(*e*) a collector of taxes, a treasurer, a clerk, or any other officer, employee or servant of the corporation of a municipality.

4.

R.S.O. 1960, c. 249, s. 37, subs. 5, amended

4.—(1) Subsection 5 of section 37 of *The Municipal Act* is amended by striking out "*The Assessment Act*" in the first line and inserting in lieu thereof "*The Assessment Act, 1968-69*".

R.S.O. 1960, c. 249, s. 37, subs. 7, amended

(2) Subsection 7 of the said section 37 is amended by striking out "section 54 of *The Assessment Act*" in the sixth line and inserting in lieu thereof "section 44 of *The Assessment Act, 1968-69*".

R.S.O. 1960, c. 249, s. 37, subs. 9, amended

(3) Subsection 9 of the said section 37, as amended by section 5 of *The Municipal Amendment Act, 1967*, is further amended by striking out "section 54 of *The Assessment Act*" in the eighth line and inserting in lieu thereof "section 44 of *The Assessment Act, 1968-69*".

R.S.O. 1960, c. 249, s. 206, subs. 17, re-enacted

5. Subsection 17 of section 206 of *The Municipal Act* is repealed and the following substituted therefor:

Certain officers not to be nominated by board

(17) Clause *d* of subsection 1 does not apply to a member of the fire department, except the head of it, or to a representative of the council upon the board of a harbour trust, or of a corporation on the board of which the council is entitled to elect a representative.

R.S.O. 1960, c. 249, s. 225, re-enacted

6. Section 225 of *The Municipal Act* is repealed and the following substituted therefor:

Collectors, appointment

225.—(1) The council of every local municipality shall appoint as many collectors for the municipality as it considers necessary.

Appointments need not be annual

(2) Every by-law appointing a collector remains in force until repealed, and it is not necessary to appoint the collector annually.

Duties

(3) The council may assign to a collector the district within which he is to act, and may make regulations governing him in the performance of his duties.

Jurisdiction

(4) The same person may be appointed collector for more than one ward or polling subdivision.

R.S.O. 1960, c. 249, s. 226, s. 226*a* (1965, c. 77, s. 17), s. 227, repealed

7. Section 226, section 226*a*, as enacted by section 17 of *The Municipal Amendment Act, 1965*, and section 227 of *The Municipal Act* are repealed.

R.S.O. 1960, c. 249, s. 228, subs. 1, amended

8.—(1) Subsection 1 of section 228 of *The Municipal Act*, as amended by section 18 of *The Municipal Amendment Act, 1965*, and subsection 1 of section 12 of *The Municipal Amendment Act, 1968*, is further amended by adding at the end thereof "or under Part III of *The Separate Schools Act*", so that the subsection shall read as follows:

(1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the council, and every person so appointed shall, in addition to his duties in respect of the corporation, audit the accounts and transactions of every local board as defined in *The Department of Municipal Affairs Act*, except school boards established under section 12 of *The Public Schools Act* or under subsection 5 of section 12, subsection 4*a* of section 51 or Part VI of *The Secondary Schools and Boards of Education Act* or under Part IX of *The Regional Municipality of Ottawa-Carleton Act, 1968* or under Part III of *The Separate Schools Act*. Appointment of auditors R.S.O. 1960, cc. 98, 330, 362, 368 1968, c. 115

(2) Subsection 5 of the said section 228, as amended by subsection 2 of section 12 of *The Municipal Amendment Act, 1968*, is further amended by inserting after "Act" in the amendment of 1968 "and Part III of *The Separate Schools Act*", so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 228, subs. 5, amended

(5) Where by any other general or special Act, except Part VI of *The Secondary Schools and Boards of Education Act* and Part III of *The Separate Schools Act*, auditors are required to be appointed or elected by or for any authority within the meaning of this section, the exercise of such power is not mandatory, notwithstanding such Act. Provision to avoid duplication of audits R.S.O. 1960, cc. 362, 368

9. Subsection 1*a* of section 236 of *The Municipal Act*, as enacted by section 13 of *The Municipal Amendment Act, 1966*, is amended by striking out "assessment commissioner, assessor" in the first and second lines, so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 236, subs. 1*a* (1966, c. 93, s. 13), amended

(1*a*) Every clerk, treasurer, collector, engineer, commissioner of industries, clerk of works and street overseer or commissioner, before entering on the duties of his office, shall make and subscribe a declaration of office (Form 20*a*). Municipal officers

10. Subsection 2 of section 239 of *The Municipal Act*, as re-enacted by section 9 of *The Municipal Amendment Act, 1962-63*, is amended by striking out "engineer, assessor or assessment commissioner" in the first and second lines and inserting in lieu thereof "or engineer", so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 239 (1962-63, c. 87, s. 9), subs. 2, amended

Dismissal of officers

(2) No clerk, treasurer or engineer shall be dismissed from office except after a hearing by the council or a committee of the whole council if requested by the officer concerned.

R.S.O. 1960, c. 249, s. 248*b* (1965, c. 77, s. 20), amended

11.—(1) Section 248*b* of *The Municipal Act*, as re-enacted by section 20 of *The Municipal Amendment Act, 1965*, is amended by adding at the commencement thereof "Subject to subsection 2".

R.S.O. 1960, c. 249, s. 248*b* (1965, c. 77, s. 20), amended

(2) The said section 248*b* is further amended by adding thereto the following subsection:

When copies may be destroyed

(2) Where a by-law has been passed by a municipality under clause *b* of subsection 1, copies of its receipts, vouchers, instruments, rolls or other documents, records and papers may be destroyed at any time if the original thereof is subject to a retention period within one of the schedules established by the by-law.

R.S.O. 1960, c. 249, s. 254, subs. 1, amended

12.—(1) Subsection 1 of section 254 of *The Municipal Act* is amended by striking out "or, where there is an assessment commissioner, the assessment commissioner" in the fifth and sixth lines, so that the subsection shall read as follows:

Certificate of clerk that application for by-law duly signed

(1) Where by this or any other Act it is provided that a by-law may be passed by a council upon the application of a prescribed number of electors or inhabitants of the municipality or locality, the by-law shall not be finally passed until the clerk has certified that the application was sufficiently signed.

R.S.O. 1960, c. 249, s. 254, subs. 2, amended

(2) Subsection 2 of the said section 254 is amended by striking out "and the assessment commissioner have" in the first and second lines and inserting in lieu thereof "has", so that the subsection shall read as follows:

Powers of clerk R.S.O. 1960, c. 223

(2) For the purposes of this section, the clerk has all the powers of the clerk under section 15 of *The Local Improvement Act*.

R.S.O. 1960, c. 249, s. 254, subs. 3, amended

(3) Subsection 3 of the said section 254 is amended by striking out "or assessment commissioner" in the first line, so that the subsection shall read as follows:

Certificate to be conclusive

(3) Where the clerk has so certified, his certificate is conclusive that the application was sufficiently signed.

13. Section 281 of *The Municipal Act* is amended by striking out "*The Assessment Act*" in the fifth line and inserting in lieu thereof "*The Assessment Act, 1968-69*". R.S.O. 1960, c. 249, s. 281, amended

14. Clause *c* of subsection 2 of section 294 of *The Municipal Act*, as amended by section 16 of *The Municipal Amendment Act, 1966*, is further amended by striking out "and the assessment of lands not liable for business assessment under subsection 2 of section 9 of *The Assessment Act*" in the amendment of 1966, so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 294, subs. 2, cl. *c*, amended

(*c*) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines and the assessment of telephone and telegraph companies,

. . . . .

15.—(1) Subsection 1*a* of section 294*a* of *The Municipal Act*, as re-enacted by subsection 2 of section 13 of *The Municipal Amendment Act, 1967*, is amended by striking out "under section 130 of *The Assessment Act*" in the fourth and fifth lines. R.S.O. 1960, c. 249, s. 294*a*, subs. 1*a* (1967, c. 55, s. 13, subs. 2), amended

(2) Subsection 3 of the said section 294*a* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 294*a* (1960-61, c. 59, s. 11), subs. 3, re-enacted

(3) The provisions of this Act with respect to the levy of the yearly rates and the collection of taxes apply *mutatis mutandis* to the levy of rates and collection of taxes under this section. Application of provisions re levy and collection of taxes

16. Subsection 1 of section 295 of *The Municipal Act* is amended by striking out "unemployment relief purposes" in the sixth line and inserting in lieu thereof "welfare assistance purposes" and by striking out "section 4 of *The Assessment Act*" in the eleventh line and inserting in lieu thereof "section 3 of *The Assessment Act, 1968-69*", so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 295, subs. 1, amended

(1) Notwithstanding any other provision in this Act or any other general or special Act, or in any order of the Municipal Board, or in any municipal by-law or resolution, or in any contract, or other instrument, a municipal rate levied for any of the purposes set out in paragraph 35 of section 377 or in section 378 or for welfare assistance purposes or for any educational purpose included in the county levy shall be Where rates to be levied on full values

levied

levied upon the full value of all the rateable property in the municipality, and no fixed assessment or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act, 1968-69*.

1968-69, c. 6

R.S.O. 1960, c. 249, s. 296, subs. 4 (1968, c. 76, s. 17), amended

17. Subsection 4 of section 296 of *The Municipal Act*, as re-enacted by section 17 of *The Municipal Amendment Act, 1968*, is amended by striking out "section 115 of *The Assessment Act*" in the third and fourth lines and inserting in lieu thereof "section 542", so that the subsection shall read as follows:

How special rate may be avoided

(4) Any person liable to a special rate under a by-law passed under subsection 1 may, within thirty days after delivery of the notice of taxes under section 542, notify in writing the clerk that he objects to the assessment and levy by the by-law authorized by subsection 1, and thereupon the clerk shall amend the collector's roll by striking out such assessment and levy in respect of such person and shall write his name or initials against such amendment and deliver a notice of taxes amended accordingly to such person.

R.S.O. 1960, c. 249, s. 377, amended

18.—(1) Section 377 of *The Municipal Act* is amended by adding thereto the following paragraph:

Tuition fees for course in university or college

11*a*. For paying the whole or part of the fees for tuition of officers or employees of the corporation enrolled in any course of instruction at any university or college if council is of the opinion that such tuition will assist such officers or employees in the discharge of their municipal duties.

R.S.O. 1960, c. 249, s. 377, par. 17, cl. *b*, amended

(2) Clause *b* of paragraph 17 of the said section 377 is amended by striking out "*The Assessment Act*" in the first line and inserting in lieu thereof "*The Assessment Act, 1968-69*".

R.S.O. 1960, c. 249, s. 377, par. 61, re-enacted

(3) Paragraph 61 of the said section 377, as amended by subsections 5 and 6 of section 22 of *The Municipal Amendment Act, 1966*, is repealed and the following substituted therefor:

Insurance, hospitalization, etc.
1968-69, c. 43
R.S.O. 1960, cc. 190, 304

61. Subject to *The Health Services Insurance Act, 1968-69*, for providing by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*,

i. group life insurance for employees or any class thereof,

ii. group accident insurance or group sickness insurance for employees or any class thereof and their wives and children, and

iii. hospital, medical, surgical, nursing or dental services or payment therefor for employees or any class thereof and their wives or husbands and children,

and for paying the whole or part of the cost thereof.

(*a*) In this paragraph, "employee" means an employee as defined in paragraph 59.

(*b*) Any local board may provide insurance and hospital, medical, surgical, nursing or dental services and payment therefor in the same manner and for the same classes of persons as the council of a municipality, and the provisions of this paragraph apply *mutatis mutandis* thereto.

(4) Paragraph 62 of the said section 377, as amended by subsections 7 and 8 of section 22 of *The Municipal Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 377, par. 62, re-enacted

62. For paying the whole or part of the cost to employees of the plan of hospital care insurance provided for under *The Hospital Services Commission Act* or of health services insurance under *The Health Services Insurance Act, 1968-69*. Contributions towards plans under R.S.O. 1960, c. 176 1968-69, c. 43

(*a*) In this paragraph, "employee" means an employee as defined in paragraph 59.

(*b*) Any local board may contribute toward the cost to employees of the plan of hospital care insurance provided for under *The Hospital Services Commission Act* or of health services insurance under *The Health Services Insurance Act, 1968-69* and the provisions of this paragraph apply *mutatis mutandis* thereto.

19.—(1) Clause *g* of paragraph 52 of subsection 1 of section 379 of *The Municipal Act*, as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 52, cl. *g* (1966, c. 93, s. 23, subs. 2), re-enacted

(*g*) Land of an elementary school or secondary school as defined in *The Schools Administration Act* is liable to be specially assessed for the completion, Land of certain school boards R.S.O. 1960, c. 361

improvement

improvement, alteration, enlargement or extension of any public utility undertaking under this section, notwithstanding the provisions of *The Assessment Act, 1968-69*.

1968-69, c. 6

R.S.O. 1960, c. 249, s. 379, subs. 1, par. 86, amended

(2) Paragraph 86 of subsection 1 of section 379 of *The Municipal Act* is amended by inserting after "camp" in the second line and in the fourth line "operated or licensed by the municipality", so that the paragraph, exclusive of the clauses, shall read as follows:

Licensing of trailers

86. For licensing trailers, as defined in paragraph 85, located in the municipality, except in a trailer camp operated or licensed by the municipality, for thirty days or longer in any year and for prohibiting such trailers being located in the municipality, except in a trailer camp operated or licensed by the municipality, without a licence therefor.

. . . . .

R.S.O. 1960, c. 249, s. 379*e* (1965, c. 77, s. 29), subs. 4, amended

20. Subsection 4 of section 379*e* of *The Municipal Act*, as enacted by section 29 of *The Municipal Amendment Act, 1965*, is amended by striking out "*The Assessment Act*" in the fifth line and inserting in lieu thereof "this Act".

R.S.O. 1960, c. 249, amended

21. *The Municipal Act* is amended by adding thereto the following section:

Improvement area may be designated by by-law

379*g*.—(1) The council of a local municipality may pass by-laws designating an area as an improvement area and may by by-law establish for any such area so designated a Board of Management to which may be entrusted, subject to such limitations as the by-law may provide, the improvement, beautification and maintenance of municipally owned lands, buildings and structures in the area, beyond such improvement, beautification and maintenance as is provided at the expense of the municipality at large, and the promotion of the area as a business or shopping area.

Notice of intention

(2) Before passing a by-law designating an improvement area, notice of the intention of the council to pass the by-law shall be sent by prepaid mail to every person occupying or using land for the purpose of or in connection with any business in the area who is shown in the last revised assessment roll of the municipality as being assessed for business assessment within the meaning of *The Assessment Act, 1968-69*.

1968-69, c. 6

Petition objecting to by-law

(3) Unless a petition objecting to the passing of the by-law referred to in subsection 2, signed by at least one-third of the persons entitled to notice as set out in subsection 2, representing at least one-third of the assessed value of the lands in the area that is used as the basis for computing business assessment, is received by the clerk within two months next following the latest day of the mailing of any such notices, the council may pass the by-law, but, if such a petition is received by the clerk within such time, the council shall not pass the by-law.

Sufficiency of petition determined by clerk

(4) The sufficiency of the petition described in this section shall be determined by the clerk and his determination shall be evidenced by his certificate and when so evidenced is final and conclusive.

Effect of petition objecting to by-law

(5) Where the council has proceeded under this section and has been prevented from passing the proposed by-law by reason of a petition objecting thereto having been presented under subsection 3, the council may again proceed under this section in respect of the area to be designated by any such by-law at any time after the expiry of the two years next following the presentation of the petition.

Board of Management

(6) A Board of Management established under subsection 1 is a body corporate and shall consist of not fewer than three and not more than seven members appointed by council, at least one of whom shall be a member of the council and the remaining members shall be persons qualified to be elected as members of the council assessed for business assessment in respect of land in the area.

Term of office

(7) Each member shall hold office for a period of one year from the time of appointment, provided he continues to be qualified as provided in subsection 6.

Vacancy

(8) Where a vacancy occurs from any cause, the council shall appoint a person qualified as set out in subsection 6 to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.

Idem

(9) The members shall hold office until their successors are appointed and are eligible for re-appointment on the expiration of their term of office.

Estimates

(10) A Board of Management established under subsection 1 shall submit to the council its estimates for the current year at the time and in the form prescribed

scribed by council and may make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein divests the council of its authority with reference to rejecting such estimates in whole or in part or providing the money for the purposes of the Board of Management and, when money is so provided by the council the treasurer shall, upon the certificate of the Board of Management, pay out such money to the Board of Management.

Expenditure of moneys

(11) The Board of Management shall not expend any moneys not included in the estimates approved by the council or in a reserve fund established under section 298.

Indebtedness not to extend beyond current year

(12) A Board of Management established under subsection 1 shall not incur any indebtedness extending beyond the current year.

Annual report

(13) On or before the 1st day of March in each year, a Board of Management shall submit its annual report for the preceding year to council, including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.

Auditor

(14) The municipal auditor shall be the auditor of each such Board of Management and all books, documents, transactions, minutes and accounts of a Board of Management shall, at all times, be open to his inspection.

Dissolution of Board

(15) Upon the repeal of a by-law establishing a Board of Management, the Board ceases to exist and its undertakings, assets and liabilities shall be assumed by the municipality.

Special charge

(16) The council shall in each year levy a special charge upon persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, which shall be borne and paid by such persons in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

(17) Any charge imposed under subsection 16 may be collected in the same manner and with the same remedies as provided by this Act for the collection of taxes upon business assessment. Manner of collection

(18) No by-law designating an improvement area comes into force without the approval of the Municipal Board and as a condition of giving its approval the Municipal Board may by its order impose such restrictions, limitations and conditions with respect to such matter as may appear necessary or expedient. Approval of O.M.B.

(19) A by-law designating an improvement area may be repealed to take effect upon the 31st day of December in the year in which it is passed, and subsections 2, 3 and 18 do not apply to a repealing by-law passed under this subsection. Repeal of by-law

22. Subsection 21 of section 380 of *The Municipal Act*, as enacted by section 27 of *The Municipal Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 380, subs. 21 (1966, c. 93, s. 27), re-enacted

(21) The board of an elementary school or secondary school as defined in *The Schools Administration Act* is liable to a sewer rate or a water works rate imposed under subsection 2 or 10 and to a sewage service rate imposed under subsection 15, notwithstanding the provisions of *The Assessment Act, 1968-69*. Liability of school boards R.S.O. 1960, c. 361 1968-69, c. 6

23.—(1) Paragraph 7 of section 391 of *The Municipal Act* is repealed. R.S.O. 1960, c. 249, s. 391, par. 7, repealed

(2) The said section 391 is amended by adding thereto the following paragraph: R.S.O. 1960 c. 249, s. 391, amended

13. For the exercise, in respect of property of the county, of the powers conferred upon the councils of local municipalities in respect of property of such municipalities by paragraph 108 of subsection 1 of section 379 and the provisions of such paragraph apply *mutatis mutandis*. Prohibiting unauthorized parking on county property

24.—(1) Clause *a* of paragraph 5 of section 401 of *The Municipal Act*, as re-enacted by section 17 of *The Municipal Amendment Act, 1967*, is amended by striking out "the municipality" in the ninth line and inserting in lieu thereof "Ontario", so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 401, par. 5 (1967, c. 55, s. 17), cl. *a*, amended

(*a*) In this paragraph, "master electrician" means a person who is skilled in the planning, superintending and installing of wires, conduits, apparatus, fixtures

or

or other appliances for the carrying or using of electricity for light, heat or power purposes, who is familiar with the laws, rules and regulations governing the same, who has a regular place of business in Ontario and who, himself, or by journeyman electricians in his employ, performs electrical work; and "journeyman electrician" means a person who has been issued a certificate of qualification in the trade of electrician by the Department of Labour.

R.S.O. 1960, c. 249, s. 401, par. 12, re-enacted

(2) Paragraph 12 of the said section 401 is repealed and the following substituted therefor:

Plumbers

12. For licensing, regulating and governing plumbing contractors, master plumbers and journeyman plumbers,

(*a*) In this paragraph, "master plumber" means a person who is skilled in the planning, superintending and installing of plumbing, is familiar with the laws, rules and regulations governing the same, has a regular place of business in Ontario and who himself or by journeyman plumbers under his supervision performs plumbing work; and "journeyman plumber" means a person who has been issued a certificate of qualification in the trade of plumber by the Department of Labour.

(*b*) A certificate of qualification referred to in clause *a* shall be accepted as sufficient qualification for a licence as a journeyman plumber without further examination.

R.S.O. 1960, c. 249, s. 401*a* (1968, c. 76, s. 23), subs. 2, cl. *b*, amended

25.—(1) Clause *b* of subsection 2 of section 401*a* of *The Municipal Act*, as enacted by section 23 of *The Municipal Amendment Act, 1968*, is amended by striking out "removed" in the second line and inserting in lieu thereof "issued and revoked", so that the clause shall read as follows:

(*b*) prescribing the conditions on which licences may be issued and revoked, and providing for the revocation of such licences.

R.S.O. 1960, c. 249, s. 401*a*, (1968, c. 76, s. 23), amended

(2) The said section 401*a* is amended by adding thereto the following subsection:

Special sale deemed business

(4) A special sale shall be deemed to be a business for the purposes of this Act and any other Act that contains provisions with respect to the licensing, revoking of a licence, regulating, governing, prohibiting or limiting of any business or the person carrying on or engaged in it.

26. Subsection 3 of section 405 of *The Municipal Act* is amended by striking out "not more than 10 cents a mile" in the second and third lines and inserting in lieu thereof "such amount as is determined by council", so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 405, subs. 3, amended

(3) In the case of a council of a county or a township, the by-law may provide for the payment of such amount as is determined by council for each mile necessarily travelled in attending such meetings. Mileage allowance

27. Subsection 2 of section 411 of *The Municipal Act*, as re-enacted by section 13 of *The Municipal Amendment Act, 1964* and amended by section 31 of *The Municipal Amendment Act, 1966* and section 26 of *The Municipal Amendment Act, 1968*, is further amended by inserting after "industrial" in the ninth line "agricultural", so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 411, subs. 2 (1964, c. 68, s. 13), amended

(2) The council of a municipality may, by a vote of three-fourths of all the members of the council present and voting or, in the case of a county, by a vote of three-fourths of the voting strength of the council, expend in any year such sum as it may determine for the purpose of paying any expenses of its department and commissioner of industries, if any, and for the purpose of diffusing information respecting the advantages of the municipality as an industrial, agricultural, business, educational, residential or vacation centre. Expenditures for publicity

28. Section 476 of *The Municipal Act*, as amended by section 23 of *The Municipal Amendment Act, 1960-61*, is further amended by adding thereto the following paragraph: R.S.O. 1960, c. 249, s. 476, amended

1*a*. For regulating the crossing of curbings, sidewalks or paved boulevards by vehicles delivering materials to or removing materials from abutting lands on which any building is being erected, altered, repaired or demolished, and for requiring the owners of such abutting lands, upon any application for the issuing of a permit certifying to the approval of plans of buildings to be erected, altered, repaired or demolished thereon, to pay to the municipality a sum of money not to exceed $5 per foot of the limit of the lot abutting directly on such sidewalk, curbing or paved boulevard as a deposit to meet the cost of repairing any damage to the sidewalk, curbing or paved boulevard or to any water service box or other service therein caused by the crossing thereof by such vehicles. Deposit re damages to sidewalks, etc., upon issue of building permit

(*a*) Where a by-law passed under this paragraph requires the payment of a deposit to cover the cost of damage to a sidewalk, curbing or paved boulevard, or to any water service box or other service therein, the by-law shall provide that, upon the completion of the erection, alteration, repair or demolition of the building or buildings on the lands abutting such sidewalk, curbing or paved boulevard and upon application by the person by whom the deposit was paid, the amount by which the sum deposited exceeds the cost of such repairs shall forthwith be refunded.

(*b*) Where any moneys paid under this paragraph remain unclaimed for a period of six years, the municipal treasurer may cause to be published a notice containing a list of such unclaimed moneys, including the name of the depositor, and stating that all persons having any claim to any of such moneys are required to prove their claims within ninety days from the publication of the notice, and, upon the expiration of ninety days from the publication of such notice, the treasurer may transfer all of such moneys against which no claim has been made to the general funds of the municipality free of and from any and all claims of any kind whatsoever.

(*c*) Without limiting the generality of the foregoing, a by-law passed under this paragraph may require that the owner or occupier of the lands take all necessary steps to prevent building material, waste or soil from being spilled or tracked onto the public streets by vehicles going to or coming from the lands during the course of the erection, alteration, repair or demolition and may provide that, in addition to any penalty otherwise provided by law, the owner or occupier shall be responsible to the municipality for the cost of removing such building material, waste or soil, and such cost may be deducted from the deposit.

R.S.O. 1960, c. 249, s. 497, re-enacted

29. Section 497 of *The Municipal Act* is repealed and the following substituted therefor:

Apportionment of rate among townships by treasurers

497.—(1) Where a village comprises parts of two or more townships, the proportion of the amount required to

be levied in each township shall be determined by the treasurers of the townships.

Meeting of treasurers

(2) A meeting of the treasurers shall be held in every second year following the latest determination and the treasurers shall determine the proportion to be levied in each township.

Determination when treasurers differ

(3) If the treasurers differ, notice of the fact shall be forthwith given to the inspecting trustee, who shall act with the treasurers in determining the proportions, and the decision of a majority is final and conclusive.

Notice of determination to be given to clerk of township

(4) The determination of the treasurers or of the treasurers and the inspecting trustee shall be forthwith communicated to the clerk of each of the townships.

Who to call meeting of treasurers

(5) The meeting of the treasurers shall be called by the treasurer of the township in which is situate the larger or largest part of the rateable property of the village.

How long determination to govern

(6) The proportions as determined under this section govern until the next determination is to be made as provided by subsection 2.

R.S.O. 1960, c. 249, s. 521, amended

30. Section 521 of *The Municipal Act* is amended by adding thereto the following subsection:

Saving

R.S.O. 1960, c. 98

(2) Notwithstanding subsection 2 of section 30 of *The Department of Municipal Affairs Act*, where a local board as defined in that Act exercises any power or jurisdiction in another municipality or in territory without municipal organization as well as in an improvement district, such local board is not by reason only of subsection 1 subject to Part III of *The Department of Municipal Affairs Act*.

R.S.O. 1960, c. 249, amended

31. *The Municipal Act* is amended by adding thereto the following Part:

PART XXV

MUNICIPAL TAXES

All taxes to be levied equally upon all assessments

1968-69, c. 6

526. All municipal, local or direct taxes or rates shall, where no other express provision is made, be levied upon the whole of the assessment for real property, business or other assessments made under *The Assessment Act, 1968-69*, according to the amounts assessed in respect thereof, and not upon any one or more kinds of property or assessment or in different proportions. R.S.O. 1960, c. 23, s. 2, *amended*.

Rateable property, what to include

527. Where, in this or any other general or special Act or in any by-law passed under any such Act, the yearly rates or any special rate are expressly or in effect directed or authorized to be levied upon all the rateable property of a municipality for municipal or school purposes, such rates shall be calculated at so much in the dollar upon the total assessment of the municipality and shall be calculated and levied upon the whole of the assessment for real property, business or other assessment made under *The Assessment Act, 1968-69*. R.S.O. 1960, c. 23, s. 3, *amended*.

1968-69, c. 6

County councils to apportion sums required for county purposes

528. Where a sum is to be levied for county purposes, or by the county for the purposes of a particular locality, the council of the county shall ascertain, and by by-law direct, what portions of such sum shall be levied in each township, town or village in such county or locality. R.S.O. 1960, c. 23, s. 100.

County clerk to certify amounts to clerks of municipalities

529. The county clerk shall forthwith after the county rates have been apportioned certify to the clerk of each municipality in the county the total amount that has been so directed to be levied therein for the then current year for county purposes or for the purposes of any such locality, and the clerk of the municipality shall calculate and insert the same in the collector's roll for that year. R.S.O. 1960, c. 23, s. 101.

Act not to affect provisions for rates to raise interest on county debentures

530. Nothing in this Act or in *The Assessment Act, 1968-69* alters or invalidates any special provisions for the collection of a rate for interest on county debentures in any general or special Act or in any county by-law providing for the issue of debentures. R.S.O. 1960, c. 23, s. 102, *amended*.

County rate

531.—(1) Notwithstanding any other provision in this Act or any other special or general Act, the imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the assessment of real property and business assessments as equalized in the county.

Local municipality to levy county rates on all rateable property

(2) When under this Act or any other special or general Act any rate is directed or required to be levied in a local municipality forming part of a county for county purposes, the rate shall in the local municipality be calculated and levied upon and against the whole rateable property including business assessments within such local municipality according to the last revised assessment roll thereof. R.S.O. 1960, c. 23, s. 103.

Collection of Taxes

Who liable for taxes, lien on lands

532. The taxes due upon any land with costs may be recovered with interest as a debt due to the municipality from the owner or tenant originally assessed therefor and from any subsequent owner of the whole or any part thereof, saving his recourse against any other person, and are a special lien on the land in priority to every claim, privilege, lien or encumbrance of every person except the Crown, and the lien and its priority are not lost or impaired by any neglect, omission or error of the municipality or of any agent or officer, or by want of registration. R.S.O. 1960, c. 23, s. 105.

Recovery of taxes by action

533.—(1) The taxes payable by any person may be recovered with interest and costs as a debt due to the municipality, in which case the production of a copy of so much of the collector's roll as relates to the taxes payable by such person, purporting to be certified as a true copy by the clerk of the municipality, is *prima facie* evidence of the debt. R.S.O. 1960, c. 23, s. 106 (1).

Liability for taxes on business in case of death or change of residence 1968-69, c. 6

(2) Notwithstanding any other provision in this Act and subject to section 76 of *The Assessment Act, 1968-69*, every person assessed in respect of business upon any assessment roll that has been revised by the Assessment Review Court or county judge is liable for any rates that may be levied upon such assessment roll notwithstanding the death or removal from the municipality of the person assessed and notwithstanding that such rates are not levied until the year following that in which the assessment roll was revised. R.S.O. 1960, c. 23, s. 106 (3), *amended*.

Paying rent to collector or treasurer until taxes paid

534. Where taxes are due upon any land occupied by a tenant, the collector or, after the roll has been returned, the treasurer, may give the tenant notice in writing requiring him to pay such collector or treasurer the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid and costs, and the collector or treasurer has the same authority as the landlord of the premises would have to collect the rent by distress or otherwise to the amount of the unpaid taxes and costs; but nothing in this section prevents or impairs any other remedy for the recovery of the taxes or any portion thereof from the tenant or from any other person liable therefor. R.S.O. 1960, c. 23, s. 107.

When tenant may deduct taxes from rent

535. Any tenant may deduct from his rent any taxes paid by him that as between him and his landlord the latter ought to pay. R.S.O. 1960, c. 23, s. 108.

Provincial taxes

536. All moneys assessed, levied and collected under any Act by which the same are made payable to the Treasurer of Ontario or other public officer for the public uses of Ontario, or for any special purpose or use mentioned in the Act, shall be assessed, levied and collected in the same manner as local rates, and shall be similarly calculated upon the assessments as finally revised, and shall be entered in the collector's rolls in separate columns, in the heading whereof shall be designated the purpose of the rate. R.S.O. 1960, c. 23, s. 109.

Clerks of municipalities to make out collector's rolls, their form, contents, etc.

537.—(1) The clerk of every municipality shall make a collector's roll or rolls, as may be necessary, containing columns for all information required by this or any other Act to be entered by the collector therein, and in such roll or rolls he shall set down the name in full of every person assessed, and in the proper columns in that behalf the amount for which he is assessed in respect of his real property and otherwise under *The Assessment Act, 1968-69* as ascertained after the final revision of the assessment roll, and he shall calculate and, opposite the assessed value, he shall set down in one column to be headed "*County Rates*" the amount for which the person is chargeable for any sums ordered to be levied by the council of the county for county purposes, and in another column to be headed "*General Rate*" the amount with which the person is chargeable in respect of sums ordered to be levied by the council of the municipality for the purposes thereof, and including any special rate for collecting the principal or interest for the payment of debentures issued, and in other columns any local improvement rate or school rate or other special rate, or sums for the commutation of statute labour or any sum that is required by any other Act to be placed on the collector's roll the proceeds of which are required by law or by the by-law imposing it to be kept distinct and accounted for separately, and every such last-mentioned rate shall be calculated separately and the column therefor shall be headed "*Special Rate*", "*Local Improvement Rate*", "*Public School Rate*", "*Separate School Rate*" or "*Special Rate for School Debts*", or as the case may be.

1968-69, c. 6

Preparation of collector's roll R.S.O. 1960, cc. 330, 368

(2) Notwithstanding subsection 1 or *The Public Schools Act* or *The Separate Schools Act*, the council of any municipality may by by-law provide that the clerk shall set down the name in full of every person assessed and the assessed value of his real property and taxable business, as ascertained after the final revision of the assessment roll, and opposite such assessed value he shall set down in a column for that purpose the total amount for which the person is chargeable for all sums ordered to be levied by the council or school boards for the purposes thereof.

(3) The form of the collector's roll may be varied to facilitate the use of, Collector's roll, mechanical methods

(*a*) mechanical methods in the preparation of the roll;

(*b*) mechanical methods of accounting and bookkeeping and, where the methods in this clause are used, the treasurer may exercise the powers and perform the duties of the collector and the clerk in respect of the roll.

(4) Appended to every roll made up under subsection 2 there shall also be a table setting forth, Information to be given in tables appended to rolls

(*a*) the total amount of taxes to be collected under and by virtue of such roll or rolls;

(*b*) the name and amount of each rate levied by the municipality that is required by law or by the by-law imposing it to be kept distinct and accounted for separately and specifying the aggregate proceeds of each rate; and

(*c*) in the case of townships, the name and amount of each rate levied by the municipality for each school section,

and the clerk shall, before delivering the roll to the collector, furnish to the treasurer of the municipality a copy of the table.

(5) Where the council of a township exercises the power set forth in subsection 2, a separate form of demand for taxes or tax bill may be provided for each school section whereon shall be written, printed or endorsed a table setting forth the particulars of each rate levied in the school section. Tax bill, use of separate

(6) Notwithstanding any other provision in this Act or any other Act, the council of any local municipality may by by-law provide that the clerk shall not enter on any collector's roll the name of any tenant or lessee unless such tenant or lessee is required by the terms of his lease to pay the taxes or where the owner is not liable to pay the taxes. R.S.O. 1960, c. 23, s. 110. Certain names to be omitted from collector's roll

538.—(1) The council of any municipality may by by-law provide that where the sum of the taxes for which any person is chargeable in any year for municipal, school, local improve- Minimum tax

ment

ment and other purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than $6, the sum of such taxes shall be deemed to be $6 and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of $6 shall form part of the general funds of the municipality.

Existing combined assessments to be continued 1968-69, c. 6

(2) Where, immediately prior to the passing of a by-law by any municipality under subsection 1, lots therein owned by the same person were assessed together under paragraph 3 of subsection 2 of section 17 of *The Assessment Act, 1968-69*, such lots shall continue to be so assessed as long as they all remain the property of that person, provided that nothing in this subsection shall be deemed to apply to the amount at which such lots may be assessed.

Requirement for combined assessment

(3) Where, at any time after the passing of a by-law by any municipality under subsection 1, lots therein that adjoin one another are shown on the same registered plan and are owned by the same person, he may by notice in writing to the assessment commissioner require that such lots shall thereafter be assessed as one parcel and at one total amount of assessment during such time as he continues to be the owner. R.S.O. 1960, c. 23, s. 111, *amended*.

Collector's roll to be certified by clerk

539. The clerk shall attach to the roll a certificate signed by him according to the following form:

> I do certify that the within (*or* annexed, *or* attached, *or as the case may be*) Roll is the Collector's Roll prepared according to the provisions of *The Municipal Act* for the.....
> .....of.....
> (*name of municipality*)
> for the year 19.....
>
> A.B.
> *Clerk of the*.....

and shall deliver the roll so certified to the collector on or before the 1st day of September, or such earlier date as may be prescribed by by-law of the municipality. R.S.O. 1960, c. 23, s. 112, *amended*.

Correction of roll to carry out changes in assessment 1968-69, c. 6

540. If alterations are made in the assessment roll, in accordance with the provisions of *The Assessment Act, 1968-69*, after the collector's roll or rolls for the municipality for the year for which such assessment has been made have been

prepared, the clerk of the municipality shall alter or amend the collector's roll or rolls to correspond with such alterations, and insert the proper rates therefor, and the rates or taxes shall be collectable in accordance with such corrected rolls in the same manner and with the like remedies as if they had been in the rolls when first prepared and certified by the clerk of the municipality. R.S.O. 1960, c. 23, s. 113, *amended.*

Duties of collectors

541. The collector, upon receiving his roll, shall proceed to collect the taxes therein mentioned. R.S.O. 1960, c. 23, s. 114.

Notice of taxes by collector

542.—(1) In cities, towns, villages and townships, the collector shall give to the person taxed a written or printed notice specifying the amount of the taxes payable by him by delivering the notice or causing it to be delivered to him or for him at his residence or place of business or upon the premises in respect of which the taxes are payable, and may call on the person taxed at his usual residence or place of business if within the municipality in and for which the collector has been appointed and demand payment of the taxes.

How may be given

(2) In cities, towns, villages and townships, the council may by by-law authorize the collector, clerk or treasurer to mail the notice or cause it to be mailed to the address of the residence or place of business of such person. R.S.O. 1960, c. 23, s. 115 (1, 2).

Particulars in tax notice

(3) The written or printed notice above mentioned shall have written or printed thereon or attached thereto a schedule specifying the different rates and the total thereof used in calculating the taxes referred to in the notice and also containing the information required to be entered in the collector's roll under section 537. 1960-61, c. 4, s. 17.

Entry of date of giving notice

543.—(1) The collector shall at the time of such demand or notice, as the case may be, or immediately thereafter, enter or cause to be entered on his roll opposite the name of the person taxed the date of such demand or of the delivery or mailing of the notice.

Initials to entries

(2) Every person so entering any such date shall append his initials thereto, and the entry is *prima facie* evidence of such demand or notice. R.S.O. 1960, c. 23, s. 116.

Proceedings in case of non-residents

544. If any person whose name appears on the roll is not resident within the municipality, the collector shall transmit to him by mail, addressed in accordance with the notice given

by

by such non-resident, if notice has been given, a statement and demand of the taxes charged against him in the roll, and shall at the time of such transmission enter or cause to be entered the date thereof in the roll opposite the name of such person, and the entry is *prima facie* evidence of the transmission and of the time thereof, and the statement and demand shall contain, written or printed on some part thereof, the name and post office address of the collector. R.S.O. 1960, c. 23, s. 117, *amended*.

Certificates re dates of delivering notices

545.—(1) Instead of entering on the roll the date of the demand or of the delivery or mailing of the notice as required by sections 543 and 544, the collector may, at the time of such demand or notice, as the case may be, or immediately thereafter, make one or more certificates to be attached to the roll or to any part of the roll certifying the date or dates upon which the demands or notices in the roll or in the part were made, delivered or mailed.

Evidence

(2) Any such certificate is *prima facie* evidence of the making, delivery or mailing of such demand or notice. 1966, c. 10, s. 17.

Notice of address for tax bills

546. Where a person assessed furnishes the clerk with a notice in writing giving the address to which the notice of taxes may be delivered to him and requesting that the notice be delivered to such address by registered mail, the notice shall be so delivered by the collector who shall add the cost of registration to the taxes, and such notice shall stand until revoked in writing. R.S.O. 1960, c. 23, s. 118.

Certificate re current taxes

547. After taxes have been levied in any year, the collector shall upon demand give a certificate with respect to any assessment for real property or business assessment indicating that the taxes for the current year have been levied, the amount of the taxes and whether or not all or any part of such taxes have been paid. R.S.O. 1960, c. 23, s. 119; 1966, c. 10, s. 18.

By-laws requiring taxes to be paid into office of treasurer or collector

548.—(1) In cities, towns, villages and townships, the council may by by-law require the payment of taxes, including local improvement assessments, sewer rents and rates, and of other rents or rates payable as taxes, to be made into the office of the treasurer or collector by any day or days to be named therein, in bulk or by instalments, and may provide that

Payments by instalments

on the punctual payment of any instalment the time for payment of the remaining instalment or instalments shall be extended to a day or days to be named, or may provide that in default of payment of any instalment by the day named for payment thereof, the subsequent instalment or instalments shall forthwith become payable.

Crown property

(2) A by-law under subsection 1 may contain provisions with respect to the payment of taxes by tenants of lands owned by the Crown or in which the Crown has an interest, in which case the by-law shall provide that, where any such tenant has been employed either within or outside the municipality by the same employer for not less than thirty days, such employer shall pay over to the treasurer or collector on demand out of any wages, salary or other remuneration due to such employee the amount then payable for taxes under the by-law and such payment relieves the employer from any liability to the employee for the amount so paid.

Penalty for non-payment of taxes

(3) The council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding 1 per cent on the first day of default and on the first day of each calendar month thereafter in which default continues, but not after the end of the year in which the taxes are levied.

Idem

(4) In any municipality in which a by-law has not been passed under subsection 3, the council may by by-law impose a penalty not exceeding 4 per cent on all taxes of the current year remaining unpaid on the first day of default after the 15th day of September of the year in which the taxes are levied. R.S.O. 1960, c. 23, s. 120 (1-4).

Discount or interest on payments in advance

(5) The council may by by-law authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes and,

(*a*) to allow a discount on any taxes so paid in advance at a rate not exceeding 8 per cent per annum and may allow interest at a rate not exceeding 8 per cent per annum on account of taxes so paid in advance for any portion of the period for which no discount is allowed; or

(*b*) to allow interest on taxes paid in advance of the day fixed by by-law for the payment of any instalment of such taxes at a rate not exceeding 8 per cent per annum,

notwithstanding that the taxes for such year have not been levied or that the assessment roll on which such taxes are to be fixed and levied has not been revised and certified by the Assessment Review Court when any such advance payment is made, and a by-law passed under this subsection remains in force from year to year until it is repealed or amended. R.S.O. 1960, c. 23, s. 120 (5), *amended*.

Notice as to time and mode of payment

(6) If a by-law is passed providing for payment by instalments or allowing any such discount or imposing any such additional percentage charge, a notice shall be given in accordance with section 542 on which shall be written or printed a concise statement of the time and manner of payment and of the discount allowed or the percentage charge imposed, if any, and at any time within fourteen days after such notice has first been given, in accordance with section 542, any person may take advantage of the provisions of such by-law as to payment by instalments or with the discount allowed thereby, or without the additional percentage charge imposed thereby, as the case may be.

By-law to be in force until return of collector's roll

(7) Where, in accordance with this section, a percentage is added to unpaid taxes, the by-laws shall not be repealed before the return of the collector's roll.

Provision for payment of taxes into bank, etc.

(8) The council of any municipality may by by-law direct that moneys payable to the municipality for taxes or rates and upon such other accounts as may be mentioned in the by-law shall be paid by the collector of taxes or by the person charged with the payment thereof into such chartered bank of Canada, trust company or Province of Ontario Savings Office as the council shall by such by-law direct, to the credit of the treasurer of the municipality, and in such case the person making the payment shall obtain a receipt therefor, and the treasurer or collector of taxes shall make the proper entries therefor in the books of the municipality.

By-law to authorize part payment of taxes due

(9) The council of any municipality may by by-law authorize the treasurer and the collector of taxes to accept part payment from time to time on account of any taxes due and to give a receipt for such part payment, provided that acceptance of any such part payment does not affect the collection of any percentage charge imposed and collectable under subsection 3 in respect of non-payment of any taxes or any class of taxes or of any instalment thereof.

Disposition of part payment of taxes

(10) Where the treasurer or the collector of taxes receives part payment on account of taxes due for any year, he shall credit such part payment first on account of the interest and percentage charges, if any, added to such taxes.

Payment of instalments in areas

(11) The council of any municipality may by by-law divide the municipality into separate areas for the purposes of this Act, and in any by-law providing for the payment of taxes by instalments may for every such area name a different day within a fixed period of time for the payment of any instalment. R.S.O. 1960, c. 23, s. 120 (6-11).

Distress and sale for taxes that are a charge on land

549.—(1) Subject to section 548, if taxes that are a lien on land remain unpaid for fourteen days after demand or notice made or given pursuant to section 542, 544 or 548, the collector or, where there is no collector, the treasurer may by himself or his agent, subject to the exemptions and provisos hereafter mentioned in this section, levy them with costs by distress,

(*a*) upon the goods and chattels, wherever found within the county in which the municipality lies, belonging to or in the possession of the owner or tenant of the land whose name appears upon the collector's roll (who is hereinafter called "the person taxed");

(*b*) upon the interest of the person taxed in any goods on the land, including his interest in any goods to the possession of which he is entitled under a contract for purchase or a contract by which he may or is to become the owner thereof upon performance of any condition;

(*c*) upon the goods and chattels of the owner of the land found thereon, though his name does not appear upon the roll;

(*d*) upon any goods and chattels on the land, where title to such goods and chattels is claimed in any of the following ways:

(i) by virtue of an execution against the person taxed or against the owner, though his name does not appear on the roll,

(ii) by purchase, gift, transfer or assignment from the person taxed, or from such owner, whether absolute or in trust, or by way of mortgage, or otherwise,

(iii) by the wife, husband, daughter, son, daughter-in-law or son-in-law of the person taxed, or of such owner, or by any relative of his, in case such relative lives on the land as a member of the family,

(iv) by virtue of any assignment or transfer made for the purpose of defeating distress,

provided that, where the person taxed or such owner is not in possession, goods and chattels on the land not belonging to the person taxed or to such owner are not subject to seizure,

and

and the possession by the tenant of such goods and chattels on the premises is sufficient *prima facie* evidence that they belong to him; provided also that no distress shall be made upon the goods and chattels of a tenant for any taxes not originally assessed against him as such tenant; provided also that in cities and towns no distress for taxes in respect of vacant land shall be made upon goods or chattels of the owner except upon the land.

Distress for taxes not a lien on land

(2) Subject to section 548, in case of taxes that are not a lien on land remaining unpaid for fourteen days after demand or notice made or given pursuant to section 542, 544 or 548, the collector or, where there is no collector, the treasurer may by himself or his agent, subject to the exemptions provided for in subsection 4, levy them with costs by distress,

(*a*) upon the goods and chattels of the person taxed wherever found within the county in which the municipality lies for judicial purposes;

(*b*) upon the interest of the person taxed in any goods to the possession of which he is entitled under a contract for purchase, or a contract by which he may or is to become the owner thereof upon performance of any condition;

(*c*) upon any goods and chattels in the possession of the person taxed where title to them is claimed in any of the ways defined by subclauses i to iv of clause *d* of subsection 1, and in applying such subclauses they shall be read with the words "or against the owner though his name does not appear on the roll" and the words "or such owner" and the words "on the land" omitted therefrom;

(*d*) upon goods and chattels that at the time of making the assessment were the property and on the premises of the person taxed in respect of business assessment and at the time for collection of taxes are still on the same premises, notwithstanding that such goods and chattels are no longer the property of the person taxed.

Case of goods in possession of warehouseman, assignee or liquidator

(3) Notwithstanding subsections 1 and 2, no goods that are in the possession of the person liable to pay such taxes for the purpose only of storing or warehousing the goods or of selling the goods upon commission or as agent shall be levied upon or sold for such taxes, and provided that goods in the hands of an assignee for the benefit of creditors or in

the hands of a liquidator under a winding-up order are liable only for the taxes of the assignor or of the company that is being wound up, and for the taxes upon the premises in which the goods were at the time of the assignment or winding-up order, and thereafter while the assignee or liquidator occupies the premises or while the goods remain thereon.

Goods exempt from distress

(4) The goods and chattels exempt by law from seizure under execution are not liable to seizure by distress.

Exemption to be claimed

(5) The person claiming such exemption shall select and point out the goods and chattels as to which he claims exemption.

Levy of taxes under warrant

(6) If at any time after demand has been made or notice given pursuant to section 542, 544 or 548, and before the expiry of the time for payment of the taxes, the collector or, where there is no collector, the treasurer has good reason to believe that any person in whose hands goods and chattels are subject to distress under the preceding provisions is about to remove such goods and chattels out of the municipality before such time has expired and makes affidavit to that effect before the mayor or reeve of the municipality or before any justice of the peace, the mayor, reeve or justice shall issue a warrant to the collector or treasurer authorizing him to levy for the taxes and costs in the manner provided by this Act although the time for payment thereof may not have expired, and the collector or treasurer may levy accordingly.

City

(7) A city shall for the purposes of this section be deemed to be within the county of which it forms judicially a part.

Costs

R.S.O. 1960, c. 110

(8) The costs chargeable in respect of any such distress and levy are those payable to bailiffs under *The Division Courts Act*.

Prohibition

(9) No person shall make a charge for anything in connection with any such distress or levy unless such thing has been actually done.

Penalty

R.S.O. 1960, c. 74

(10) In case any person offends against the provisions of subsection 9 or levies any greater sum for costs than is authorized by subsection 8, the like proceedings may be taken against him by the person aggrieved as may be taken by the party aggrieved in the cases provided for by sections 2, 4 and 5 of *The Costs of Distress Act*.

Notice of taxes where goods under seizure

(11) Where personal property liable to seizure for taxes as hereinbefore provided is under seizure or attachment or has been seized by the sheriff or by a bailiff of any court or is

claimed by or in possession of any assignee for the benefit of creditors or liquidator or of any trustee or authorized trustee in bankruptcy or where such property has been converted into cash and is undistributed, it is sufficient for the tax collector to give to the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy notice of the amount due for taxes, and in such case the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy shall pay the amount to the collector in preference and priority to any other and all other fees, charges, liens or claims whatsoever.

Costs of distress, when to belong to corporation

(12) Where the person making any such distress and levy is a salaried employee of the municipal corporation, the costs in respect of such distress and levy belong to the corporation. R.S.O. 1960, c. 23, s. 121.

Informalities not to invalidate subsequent proceedings

550. No defect, error or omission in the form or substance of the notice required by section 542, 544 or 548 invalidates any subsequent proceedings for the recovery of the taxes. R.S.O. 1960, c. 23, s. 122.

Public notice of sale

551. The collector or his agent, by advertisement posted up in at least three public places in the municipality or where there are wards in the ward wherein the sale of goods and chattels distrained is to be made, shall give at least six days notice of the time and place of the sale, and of the name of the person whose property is to be sold, and, at the time named in the notice, the collector or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to realize the amount of the taxes and costs. R.S.O. 1960, c. 23, s. 123.

Surplus, if unclaimed, to be paid to party in whose possession the goods were

552. If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus, such surplus shall be returned to the person in whose possession the property was when the distress was made. R.S.O. 1960, c. 23, s. 124.

or to admitted claimant

553. If such claim is made by the person for whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant. R.S.O. 1960, c. 23, s. 125.

When the right to surplus contested

554. If the claim is contested, such surplus shall be paid by the collector to the treasurer of the municipality, who shall retain it until the respective rights of the parties have been determined by action or otherwise. R.S.O. 1960, c. 23, s. 126.

Dates for return of collector's roll

555.—(1) Subject to subsection 2, every collector shall return his roll to the treasurer on or before the 28th day of February in the year next following the year in which the taxes were levied, or on such earlier date in that year as the council may appoint.

In cities

(2) The council of every city may by by-law fix the times for the return of the collector's rolls, and may make any enlargements of the time so fixed.

Collectors' interim returns in cities, towns and villages

(3) The collector of every city, town and village shall, until the final return of the roll, pay over to the treasurer of the city, town or village the amount of his collection once every week or more often if the council by by-law so requires.

Collectors' interim returns in townships

(4) The collector of every township shall, until the final return of the roll, pay over to the treasurer of the township the amount of his collections once every two weeks or more often if the council by by-law so requires.

Audit of collector's roll

(5) Every collector, on the request of the treasurer, shall deliver his roll, together with an account of all collections made, to the treasurer to be audited. R.S.O. 1960, c. 23, s. 127.

Oath of collector on returning roll

556.—(1) At or before the return of his roll, every collector shall make oath in writing that the date of every demand of payment or notice of taxes required by sections 542 to 548, and every transmission of statement and demand of taxes required by section 544 entered by him in the roll, has been truly stated therein.

Idem

(2) Every other person who has delivered or mailed a notice pursuant to section 542, 544 or 548 shall in like manner at or before the return of the roll make oath that the date of the delivery or mailing of every such notice by him has been truly stated in the roll.

Form of oath, etc.

(3) Every such oath may be according to Form 29 and shall be written on or attached to the roll and may be taken before the treasurer or before any justice of the peace having jurisdiction in the municipality or any commissioner for taking affidavits or any notary public for Ontario. R.S.O. 1960, c. 23, s. 128, *amended*.

Failure of collector to collect

557.—(1) If the collector fails or omits to collect the taxes or any portion thereof by the day appointed or to be appointed as mentioned in section 555, the council may, by resolution, authorize the collector, or some other person in his stead, to continue the levy and collection of the unpaid taxes in the manner and with powers provided by law for the general levy and collection of taxes.

Duty as to return not affected

(2) No such resolution or authority alters or affects the duty of the collector to return his roll or in any manner invalidates or otherwise affects the liability of the collector or his sureties. R.S.O. 1960, c. 23, s. 129.

Proceedings when taxes unpaid

558.—(1) The treasurer shall, upon receiving the roll returned under section 555, mail or cause to be delivered a notice to each person appearing on the roll with respect to whose land any taxes appear to be in arrear for that year.

Verification notice

(2) When the auditor gives a verification notice to each person mentioned in subsection 1, the treasurer is not obliged to comply with subsection 1. R.S.O. 1960, c. 23, s. 133.

ARREARS OF TAXES

Statement to be furnished to county treasurer

559.—(1) In cases in which the county treasurer is required to collect arrears of taxes of a township or village, the treasurer of the township or village, as the case may be, shall within thirty days after the time appointed for the return and final settlement of the collector's roll in every year furnish the county treasurer with a statement of all unpaid taxes and school rates directed in the collector's roll or by school trustees to be collected. R.S.O. 1960, c. 23, s. 134 (1).

Contents of statement

(2) Such statement shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, and the county treasurer is not bound to receive any such statement after the 7th day of April in each year. R.S.O. 1960, c. 23, s. 134 (2); 1961-62, c. 6, s. 12.

Other information

(3) The treasurer in such statement and both he and all other officers of the municipality shall from time to time furnish to the county treasurer such other information as the county treasurer may require and demand in order to enable him to ascertain the just tax chargeable upon any land in the municipality for that year. R.S.O. 1960, c. 23, s. 134 (3).

Municipalities united and afterwards disunited, etc.

560. If two or more municipalities, having been united for municipal purposes, are afterwards disunited, or if a municipality or part of a municipality is afterwards added to or detached from any county, or to or from any other municipality, the county or other treasurer shall make corresponding alterations in his books, so that arrears due on account of any parcel or lot of land, at the date of the alteration, shall be placed to the credit of the municipality within which the land after such alteration is situate. R.S.O. 1960, c. 23, s. 135.

All arrears to form one charge upon lands

561. The county or other treasurer shall not be required to keep a separate account of the several distinct rates that may be charged on lands, but all arrears, from whatever rates arising, shall be taken together and form one charge on the land. R.S.O. 1960, c. 23, s. 136.

After return of roll, who to receive taxes

562.—(1) After the collector's roll has been returned to the treasurer of a township or village, and before such treasurer has furnished to the county treasurer the statement mentioned in section 559, arrears of taxes may be paid to such local treasurer; but, after such statement has been returned to the county treasurer, no more money on account of the arrears then due shall be received by any officer of the municipality to which the roll relates.

Collection of arrears to belong to county treasurer only

(2) The collection of arrears thenceforth belong to the treasurer of the county alone, and he shall receive payment of such arrears, and he shall give a receipt therefor, specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of section 571. R.S.O. 1960, c. 23, s. 137.

Receiving payments on account of arrears

563. The county treasurer and the treasurer of any municipality whose officers have power to sell lands for arrears of taxes may from time to time receive part payment of taxes returned to him as in arrears upon any land for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes; but no such payment shall be received after a warrant has issued for the sale of the land for taxes. R.S.O. 1960, c. 23, s. 138.

Lists of lands three years in arrears for taxes to be furnished to clerks

564.—(1) The treasurer of every county shall furnish to the clerk of each municipality in the county except those whose officers have power to sell lands for arrears of taxes, and the treasurer of every such last-mentioned municipality shall furnish to the clerk of the municipality a list of all the lands in the municipality in respect of which any taxes have been in arrears for the three years next preceding the 1st day of January in any year, and such list shall be so furnished on or before the 1st day of February in every year and shall be headed in the words following: "*List of lands liable to be sold for arrears of taxes in the year 19....*"; and, for the purpose of the computation of such three years, the taxes for each year shall be deemed to have been in arrears on and from the 1st day of January in such year.

Treasurer to furnish supplemental list of lands no longer liable to be sold

(2) Where in any year the list referred to in subsection 1 has been furnished to the clerk of a municipality, the treasurer who furnished the list shall not later than the 15th day of September in that year, or such earlier date as the clerk may request in writing, furnish a supplemental list to the clerk

showing

showing thereon the lands, if any, included in the earlier list that at the date of the supplemental list are no longer liable to be sold for arrears of taxes. R.S.O. 1960, c. 23, s. 139, *amended*.

Clerks to keep the lists in their offices open to inspection, give copy to Assessment Commissioner

565.—(1) The clerk of the municipality shall keep the list so furnished by the treasurer on file in his office, subject to the inspection of any person requiring to see it, and he shall also deliver a copy of such list in each year to the Assessment Commissioner, and it is the duty of the Assessment Commissioner to ascertain if any of the lots or parcels of land contained in such lists are incorrectly described and to notify the occupants and owners thereof, if known, whether resident within the municipality or not, upon their respective assessment notices, or otherwise, that the land is liable to be sold for arrears of taxes, and to enter in a column to be reserved for the purpose the words "*Parties notified*" or "*Incorrectly described*", as the case may be, and all such lists shall be signed by the Assessment Commissioner, verified as provided in subsection 3, and returned to the clerk with the assessment roll, together with a memorandum of any error discovered therein, and the clerk shall compare the entries in the Assessment Commissioner's return with the assessment roll and report any differences to the Assessment Commissioner for verification, and the clerk shall transmit such lists and any such memorandum forthwith to the treasurer of the municipality if the municipality is one whose officers have power to sell lands for arrears of taxes, or in other cases to the county treasurer, and the treasurer in either case shall attach the seal of the corporation to such lists and file them in his office for public use, and every such list or copy thereof shall be received in any court as evidence, in any case arising concerning the assessment of such lands.

Assessment Commissioner to be furnished with copy of supplemental list of lands no longer liable to be sold

(2) Where in any year the clerk of a municipality is furnished with the supplemental list mentioned in subsection 2 of section 564, he shall forthwith deliver a copy thereof to the Assessment Commissioner and after its delivery subsections 1 and 3 cease to apply in respect of the lands shown on the supplemental list.

Assessment Commissioner's certificate

(3) The Assessment Commissioner shall attach to each such list a certificate signed by him, and verified by oath or affirmation, in the form following:

> *I do certify that I have examined or caused to be examined all the lots in this list named; and that I have entered or caused to be entered the names of all occupants thereon, as well as the names of the owners thereof, when known; and that all the entries relative to each lot are true and correct, to the best of my knowledge and belief.*

R.S.O. 1960, c. 23, s. 140, *amended*.

Proceedings where any land is found not to have been assessed

566. If, on an examination of the return required under section 565 of lands liable to be sold for taxes, or otherwise, it appears to the treasurer that any land liable to assessment has not been assessed for the current year, he shall report the same to the clerk of the municipality; thereupon, or if the same comes to the knowledge of the clerk in any other manner, the clerk shall proceed as provided in section 42 of *The Assessment Act, 1968-69*. R.S.O. 1960, c. 23, s. 141, *amended*.

1968-69, c. 6

Offence for neglect to preserve list of lands in arrears for taxes

567. Every clerk of a municipality who neglects to preserve the list of lands in arrears for taxes, furnished to him by the treasurer in pursuance of section 564, or to furnish copies of such lists, as required, to the Assessment Commissioner, and every Assessment Commissioner who neglects to examine or cause to be examined the lands entered on his list, and to make or cause to be made returns in the manner hereinbefore directed, is guilty of an offence and on summary conviction is liable to a fine of not more than $200. R.S.O. 1960, c. 23, s. 142, *amended*.

Apportionment of taxes where land assessed in block

568.—(1) When it is shown to the Assessment Review Court or to the council of a municipality that taxes or rates are or have become due upon land assessed in one block, the Assessment Review Court or council, upon the application by the treasurer of the municipality or by or on behalf of any person claiming to be the owner of one or more parcels of the land, may, after notice of the application to all owners, direct the apportionment of the taxes or rates upon such parcels in proportion to their relative value at the time of the assessment, regard being had to all special circumstances, and the council may direct how any part payment made under section 563 is to be applied, and, upon payment of the apportionment assigned to any parcel, the payment shall be a satisfaction of the taxes or rates thereon, or the Assessment Review Court or the council, as the case may be, may make such other direction as the case may require, and the provision herein contained is retroactive in its operation, but does not apply to any lands that have been advertised for sale for taxes or rates

Minute of apportionment for treasurer

(2) Forthwith after an apportionment has been made, the clerk shall transmit a copy of the minute or resolution to the treasurer, who, upon receipt thereof, shall enter it in his books, and thereafter each lot or other subdivision of the land affected is liable only for the amount of taxes or rates apportioned thereto, and is only liable for sale for non-payment of the tax or rate so apportioned or charged against it. R.S.O. 1960, c. 23, s. 143, *amended*.

Appeal

569. An appeal may be had to the Municipal Board by any owner or owners from any decision or apportionment made

under

under section 568 and a like appeal may be had by the municipality from a decision or apportionment made by the Assessment Review Court under section 568. R.S.O. 1960, c. 23, s. 145, *amended*.

Written statement of arrears

570.—(1) The treasurer shall, on demand, give a written certified statement of the arrears due on any land, and he may charge $1 for the search and certified statement on each separate parcel, but he shall not make any charge to any person who forthwith pays the taxes.

Form

(2) Such certified statement may be according to Form 30. R.S.O. 1960, c. 23, s. 146.

County treasurers, etc., to keep triplicate blank receipt books

571.—(1) The treasurer of every county shall keep a triplicate blank receipt book and, on receipt of any sum of money for taxes on land, shall deliver to the person making payment one of such receipts, and shall deliver to the treasurer of the local municipality in which the land is situate the second of the set, with the corresponding number, retaining the third of the set in the book, the delivery of such receipts to be made to the treasurer of the local municipality at least every three months.

Filing of receipts

(2) The county treasurer shall file such receipts, and, in a book to be kept for that purpose, shall enter the name of the person making payment, the lot on which payment is made, the amount paid, the date of payment and the number of the receipt, and the auditors shall examine and audit such books and accounts at least once in every twelve months.

Treasurer to keep duplicate receipt book

(3) In cities, towns and other municipalities having power to sell lands for non-payment of taxes, the treasurer thereof shall keep a duplicate blank receipt book, and on receipt of any sum of money for taxes on land shall deliver to the person making the payment one of such receipts, retaining the second of the set in the book, and the auditors shall examine and audit such books and accounts at least once in every year. R.S.O. 1960, c. 23, s. 147.

As to pretended receipt, etc.

572. If any person produces to the treasurer, as evidence of payment of any tax, any paper purporting to be a receipt of a collector, school trustee or other municipal officer, the treasurer is not bound to accept it until he has received a report from the clerk of the municipality interested, certifying the correctness thereof, or until he is otherwise satisfied that such tax has been paid. R.S.O. 1960, c. 23, s. 148.

Lands on which taxes unpaid to be entered in certain books by treasurer

573. The treasurer of every county shall keep a separate book for each township and village, in which he shall enter all the lands in the municipality on which it appears, from the

returns

returns made to him by the clerk and from the collector's roll returned to him, that there are any taxes unpaid, and the amounts so due, and he shall, on the 15th day of January in every year, complete and balance his books by entering against every parcel of land the arrears, if any, due at the last settlement, and the taxes of the preceding year that remain unpaid, and he shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date. R.S.O. 1960, c. 23, s. 149.

Interest on tax arrears

574.—(1) Notwithstanding any special Act, the treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from the 31st day of December in the year in which the taxes were levied until the taxes are paid, provided that the council by by-law may increase such rate to a rate not exceeding 1 per cent per month. 1961-62, c. 6, s. 13, *amended*.

Interest, etc., not to be compounded

(2) No interest or percentage added to taxes shall be compounded.

Interest, etc., to form part of taxes

(3) Interest and percentages added to taxes form part of such taxes and shall be collected as taxes. R.S.O. 1960, c. 23, s. 150 (2, 3).

(NOTE.—*For procedure in lieu of tax sales in certain municipalities, see The Department of Municipal Affairs Act, R.S.O. 1960, c. 98.*)

Sale of lands for taxes, what lands only to be sold

575. The treasurer shall not sell any lands for taxes that have not been included in the list furnished by him pursuant to section 564 to the clerks of the municipalities in the month of January preceding the sale. R.S.O. 1960, c. 23, s. 151.

When lands to be sold for taxes

576.—(1) Where a part of the tax on any land is in arrear for three years as provided by section 564 and subject to section 575, the treasurer shall, unless otherwise directed by by-law of the council, submit to the warden of the county a list in duplicate of all the lands liable under this Act to be sold for taxes, with the amount of arrears against each lot set opposite to the same, and the name and address of the owner, if known, and the warden shall authenticate each of such lists by affixing thereto the seal of the corporation and his signature, and one of such lists shall be deposited with the clerk of the county and the other shall be returned to the treasurer with a warrant thereto annexed, under the hand of the warden and the seal of the county, commanding the treasurer to levy upon the land for the arrears due thereon, with his costs.

Treasurer to have power to add arrears accruing after return

(2) In municipalities whose officers have power to sell lands for arrears of taxes, the treasurer may add to the taxes shown in the list of lands liable to be sold for taxes any taxes that have fallen due since those shown in the lists furnished by the treasurer to the clerk under section 564, and have been returned by the collector to him as provided in section 558, and such lands may be sold as if such last-mentioned taxes had been included in the statement furnished to him by the clerk under section 564. R.S.O. 1960, c. 23, s. 152.

Expenses added to arrears

577. The treasurer shall, in each case, add to the arrears his commission or other lawful charges, and the costs of publication. R.S.O. 1960, c. 23, s. 153.

By-law extending period of three years, etc.

578. The council of a county or municipality whose officers have power to sell lands for arrears of taxes may by by-law passed for that purpose, from time to time, direct that no warrant shall issue for the sale of lands for taxes until after the expiration of a longer period than that provided by section 576, and may also direct that such lands only be included in the warrant as are chargeable with arrears exceeding a certain sum to be named in the by-law, and may also direct that only such lands be included in the warrant as belong to any classification mentioned in the by-law or are of the character mentioned therein. R.S.O. 1960, c. 23, s. 154.

Distinguishing lands in list annexed to warrant

579. In the list annexed to every warrant, the lands mentioned therein shall be distinguished as patented, unpatented, or under lease or licence of occupation from the Crown or municipality, and the interest therein, if any, of the Crown or of the municipality shall be specially mentioned. R.S.O. 1960, c. 23, s. 155.

Correction of errors by treasurer

580. The county treasurer may, from time to time, correct any clerical error that he discovers or that may be certified to him by the clerk of any municipality. R.S.O. 1960, c. 23, s. 156.

Where distress on premises, treasurer may distrain

581. If there are to the knowledge of the treasurer goods and chattels liable to distress upon any land in arrear for taxes, he shall levy the arrears of taxes and the costs by distress, and has the same authority to collect by distress as a collector has under this Act, and section 549 applies thereto; but no sale of the land is invalid by reason of the treasurer not having distrained, though there were on the land goods and chattels liable to distress before or at the time of sale. R.S.O. 1960, c. 23, s. 157.

Treasurer's duty on receiving warrant to sell

582. A treasurer is not bound to make inquiry, before effecting a sale of land for taxes, to ascertain whether or not there is any distress upon the land, or to inquire into or form any opinion of the value of the land. R.S.O. 1960, c. 23, s.158.

Treasurer to prepare list of lands to be sold

583.—(1) The treasurer shall prepare a copy of the list of lands annexed to the warrant and shall add thereto in a separate column a statement of the proportion of costs chargeable on each lot for advertising and for his commission or other lawful charges, distinguishing therein any of such lands that are unpatented or under lease or licence of occupation from the Crown as "unpatented" or "under Crown lease" or "under Crown licence", as the case may be, and such list shall contain a notice that, unless the arrears of taxes and costs are sooner paid, the treasurer will proceed to sell the lands on the day and at the place specified therein.

Publication

(2) Such list shall be published in *The Ontario Gazette* once during the month immediately preceding the period of time mentioned in section 584.

Publication of list and notice of sale

(3) A notice, stating that copies of the list of lands for sale for arrears of taxes may be had in the office of the treasurer and that such list has been published in *The Ontario Gazette* on the day specified in such notice and that, unless the arrears of taxes and costs are sooner paid, the treasurer will proceed to sell the lands on the day and at the place named therein, shall be published once a week for the thirteen weeks immediately preceding the day of sale in at least one newspaper published in the county or in the case of a union of counties in at least one newspaper published in each county of the union, or where the sale is to be held by the treasurer of a municipality in at least one newspaper published in the municipality and if no newspaper is published in the county or municipality then in at least one newspaper published in an adjacent county or municipality. R.S.O. 1960, c. 23, s. 159.

Time of sale

584. The day of the sale shall be more than ninety-one days after the first publication of the list in *The Ontario Gazette*. R.S.O. 1960, c. 23, s. 160.

Notice to be posted up

585. The treasurer of a county shall also post a printed copy of the list published in the newspaper in some convenient and public place at the court house of the county or district at least three weeks before the time of sale and the treasurer of a municipality other than a county shall also post a printed copy of such list in some convenient and public place at the place where the council of the municipality usually meets at least three weeks before the time of sale. R.S.O. 1960, c. 23, s. 161.

Tax sale districts

586.—(1) For the purpose of tax sales, the Lieutenant Governor in Council may by order in council divide a provisional judicial district, and the council of any county may by by-law divide the county, into tax sale districts, each of which may contain one or more municipalities.

Place of sales therein

(2) The order in council or by-law may provide that thereafter the sales of land situate therein for arrears of taxes shall be held by the treasurer at such place in the tax sale district as may be named in the order in council or by-law.

Payment of expenses

(3) Where any such order in council or by-law is passed, provision shall be made therein, or by further order in council or by-law, respecting the payment to the treasurer of his travelling and other expenses connected with his attending tax sales.

Advertisement, what to contain

(4) Every advertisement or notice of a tax sale shall state the name or number of the tax sale district and the place therein at which the sale will be held. R.S.O. 1960, c. 23, s. 162.

Adjourning sale, if no bidders

587. If at any time appointed for the sale of the lands no bidders appear, the treasurer may adjourn the sale from time to time. R.S.O. 1960, c. 23, s. 163.

Mode in which the lands shall be sold by the treasurer

588.—(1) If the full amount of the taxes for which the land was offered for sale has not been collected, or if no person appears to pay the same at the time and place appointed for the sale, the treasurer shall sell by public auction so much of the land as is sufficient to discharge the taxes, and all lawful charges incurred in and about the sale and the collection of the taxes, selling in preference such part as he may consider best for the owner to sell first, and, in offering or selling such lands, it is not necessary to describe particularly the portion of the lot that is to be sold, but it is sufficient to say that he will sell so much of the lot as may be necessary to secure the payment of the taxes, and the owner or any person interested in the land may redeem the land within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with 10 per cent added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 606, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3.

When land does not sell for full amount of taxes

(2) If the treasurer fails at such sale to sell any land for the full amount of taxes, including the full amount of commission and other lawful charges and costs added under

section

section 577, he shall at such sale adjourn it until a day then to be publicly named by him, not earlier than a week nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the council of the municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such taxes; and the owner or any person interested in the land may redeem the land within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with 10 per cent added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 606, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3.

Purchase by municipality

(3) If the price offered for any land at the adjourned sale is less than the full amount of the taxes for which the land was offered for sale and the charges and costs, or if no price is offered, it is lawful for the municipality to purchase the land for the amount due, provided that an appropriation has been made for the purpose and that previous notice by public advertisement in the local newspaper or in one of the local newspapers in which the original sale was advertised of intention so to do has been given by the treasurer; and the owner or any person interested in the land may redeem the land within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of the sale, and together with 10 per cent added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 606, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, and such taxes shall be computed at the rate fixed by by-law for each year in which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontages

shown

shown upon the list of properties and the frontages thereof as settled by the Assessment Review Court for such local improvement. R.S.O. 1960, c. 23, s. 164, *amended*.

Mode of selling land for taxes

589.—(1) Notwithstanding section 588, the treasurer is not obliged to sell for taxes only a portion of land separately assessed but may sell the whole of such land for the best price offered at the sale, and any money obtained by the treasurer as the price of such land shall be applied, firstly, in paying the full amount of the taxes for which the land was offered for sale, together with the expenses of sale, and, secondly, in payment of the taxes, including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land, and the balance, if any, shall be paid by the treasurer to the owner of the land or to such other person as may be authorized by law to receive the balance less such charge and expenses as the treasurer may pay or incur in satisfying himself of the right of such owner or other person to receive the balance, and it is the duty of the person claiming the balance to produce to the treasurer proof of his right to receive the balance; provided that the owner or any person interested in the land may redeem the land within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the purchase price, together with 10 per cent of the full amount of the taxes for which the land was offered for sale and of the expenses of sale added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 606, and the balance, if any, outstanding of the taxes including local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 2 of section 588, but if the purchaser is the municipality redemption as aforesaid may be made upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of sale, and together with 10 per cent added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 606, and together with the taxes including local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3 of section 588.

Unclaimed balances

(2) Any balance payable to the owner of the land sold or to any other person entitled thereto shall, if not claimed

within

within six years after the sale, belong to the municipality absolutely.

Purchase by municipality

(3) Where an appropriation has been made for the purpose, the municipality may purchase lands under this section. R.S.O. 1960, c. 23, s. 165.

When purchaser fails to pay purchase money

590. If a purchaser fails to pay his purchase money immediately, the treasurer shall forthwith again put up the property for sale. R.S.O. 1960, c. 23, s. 166.

Land in which the Crown has an interest

591.—(1) Where the Crown whether as represented by the Government of Canada or the Government of the Province of Ontario, or any tribe or body of Indians or any member thereof, has an interest in any land in respect of which taxes are in arrear, the interest only of persons other than the Crown, tribe or body of Indians or any member thereof, therein is liable to be sold for arrears of taxes.

Tax deed not to affect interest of Crown

(2) Where the treasurer so sells the interest of any person, it shall be distinctly expressed, in the tax deed to be made under this Act to the purchaser, that the sale is only of the interest of such person in the land, and, whether so expressed or not, the tax deed in no wise affects the interest or rights of the Crown or tribe or body of Indians or any member thereof in the land sold, and gives the purchaser the same interest and rights only in respect of the land as the person had whose interest is being sold.

Validity of tax deed

(3) Where the interest so sold of any person is that of a lessee, licensee or locatee, the tax deed is valid without requiring the consent of the Minister of Lands and Forests. R.S.O. 1960, c. 23, s. 167.

Land purchased at tax sales not to exceed limit fixed by R.S.O. 1960, c. 324

592. No person is entitled to purchase at a sale for taxes, under section 588 or from a municipality that has purchased land thereunder, more unpatented land in the free grant districts than a locatee is entitled to obtain or hold under Part II of *The Public Lands Act*. R.S.O. 1960, c. 23, s. 168.

Sales not to be made where taxes less than $10, or no improvements made

593. No sale for taxes shall be made of unpatented land in the free grant districts where the taxes due thereon are less than $10, if the lands have not been before the 27th day of May, 1893, advertised for sale, nor where no *bona fide* improvements have been made by or on behalf of the locatee. R.S.O. 1960, c. 23, s. 169.

Lands purchased to be subject to conditions of R.S.O. 1960, c. 324

594. All lands in the free grant districts purchased under sale for taxes are subject to all the terms and conditions as to settlement or otherwise required by Part II of *The Public*

Lands Act, unless under special circumstances the Minister of Lands and Forests sees fit to dispense therewith in whole or in part. R.S.O. 1960, c. 23, s. 170.

Sale of interest of lessee or tenant of municipal property

595. If the treasurer sells any interest in land of which the fee is in the municipality in respect of which the taxes accrue, he shall only sell the interest therein of the lessee or tenant, and it shall be so distinctly expressed in the tax deed. R.S.O. 1960, c. 23, s. 171.

Sale of lands for taxes not to affect collection of other rates

596. No sale of lands for taxes or for rates under a drainage or local improvement by-law invalidates or in any way affects the collection of a rate that has been assessed against or imposed or charged upon such lands prior to the date of the sale, but that accrues or becomes due and payable after the rates or taxes in respect of which the sale is had became due and payable or after the sale. R.S.O. 1960, c. 23, s. 172.

Treasurer selling to give purchaser a certificate of land sold

597. The treasurer, after selling any land for taxes, shall give a certificate under his hand to the purchaser, stating distinctly what part of the land, and what interest therein, have been sold, or stating that the whole lot or estate has been so sold, and describing the same, and also stating the quantity of land, the sum for which it has been sold, and the expenses of sale, and further stating that a deed conveying the land to the purchaser or his assigns, according to the nature of the estate or interest sold, with reference to sections 588 and 591, will be executed by the treasurer and warden on demand, at any time after the expiration of the period hereinafter provided for redemption. R.S.O. 1960, c. 23, s. 173.

Purchaser of lands deemed owner for certain purposes

598.—(1) The purchaser shall, on the receipt of the treasurer's certificate of sale, become the owner of the land, so far as to have all necessary rights of action and powers for protecting the land from spoliation or waste, until the expiration of the term during which the land may be redeemed; but he shall not knowingly permit any person to cut timber growing upon the land, or otherwise injure the land, nor shall he do so himself, but he may use the land without deteriorating its value.

Limitation of liability

(2) The purchaser is not liable for damage done to the property without his knowledge during the time the certificate is in force.

Repairs

(3) Where the purchaser is a municipality, it may make any expenditure necessary in order to keep the land in a proper state of repair or to insure the land, and the amount thereof with interest as provided in section 574 may be added

to the amount required to redeem the land, provided that the treasurer has sent at least one month before making such expenditure a notice containing the particulars of the proposed expenditure and an estimate of the cost thereof to each encumbrancer, if any, and to the registered owner by registered mail to the address of such encumbrancer or owner if known to the treasurer and, if such address is not known to the treasurer, then to any address of such encumbrancer or owner appearing in the records of the registry office or sheriff's office. R.S.O. 1960, c. 23, s. 174.

Effect of tender of arrears, etc.

599. From the time of a tender to the treasurer of the full amount of redemption money required by this Act, the purchaser ceases to have any further right in or to the land in question. R.S.O. 1960, c. 23, s. 175.

Treasurer's commission

600. Every treasurer is entitled to 2½ per cent commission upon the sums collected by him, as aforesaid, except that, where the taxes against any parcel of land are less than $10, the treasurer is entitled to charge, in lieu of his commission, 25 cents; but where the treasurer is paid a salary for his services such commission may, by arrangement with the council, be paid into the funds of the municipality like any other revenue of the municipality. R.S.O. 1960, c. 23, s. 176.

Fees, etc., on sales of land

601. Where land is sold by a treasurer according to section 583 and the following sections of this Act, he may add the commission and other charges that he is authorized by this Act to charge for the services above-mentioned to the amount of arrears on those lands in respect of which such services have been severally performed, and in every case he shall give a statement in detail with each certificate of sale of the arrears and costs incurred. R.S.O. 1960, c. 23, s. 177.

Expenses of search in registry office for description, etc.

602. The treasurer shall, in all certificates and deeds given for lands sold at such sale, give a description of the part sold with a sufficient certainty, and, if less than a whole lot is sold, then he shall give such a general description as may enable a surveyor to lay off the piece sold on the ground, and he may make search, if necessary, in the registry office to ascertain the description and boundaries of the whole parcel, and he may also obtain a surveyor's description of such lots, to be taken from the registry office or the government maps, where a full description cannot otherwise be obtained, and the charges so incurred shall be included in the account and paid by the purchaser of the land sold or the person redeeming the land. R.S.O. 1960, c. 23, s. 178.

Treasurer entitled to no other fees

603. Except as hereinbefore provided, the treasurer is not entitled to any other fees or emoluments for any services rendered by him relating to the collection of arrears of taxes on lands. R.S.O. 1960, c. 23, s. 179.

Evidence of redemption

604. The treasurer shall give to the person paying redemption money a receipt stating the sum paid and the object of payment, and such receipt is evidence of the redemption. R.S.O. 1960, c. 23, s. 180.

Conveyance to former owner

605.—(1) Notwithstanding the other provisions of this Act or any other Act, where land that has been sold for taxes has been purchased by the municipality and the period for redemption has expired and where such land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality, any person to whom notice was sent under subsection 2 of section 606 is, at any time with the approval of the Department, entitled to a conveyance of such land upon payment of the full amount that would have been payable in respect of taxes, penalties and interest had the land not been sold for taxes, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such sale and of such conveyance.

Further notice

(2) Notwithstanding subsection 1, the treasurer may, at any time after the expiration of ten years from the date of the sale, cause to be sent by registered mail, to each person to whom notice was sent under subsection 2 of section 606, a further notice that, if he does not apply for a conveyance of the land under subsection 1 and tender the payment required under subsection 1 within six months of the date the notice is sent, his right to do so will expire.

Cessation of rights under subs. 1

(3) If a person notified under subsection 2 does not apply for a conveyance and tender the payment required under subsection 1 within such six months, his right to do so ceases to exist. R.S.O. 1960, c. 23, s. 181.

Treasurer to search title

606.—(1) Within ninety days from the day of sale, the treasurer shall, if the land is not previously redeemed, make or cause to be made search in the registry office and in the sheriff's office to ascertain whether or not there are mortgages or other encumbrances affecting the land sold and who is the registered owner of the land. R.S.O. 1960, c. 23, s. 182 (1).

Notice to encumbrancer and owner

(2) The treasurer shall, within the said period of ninety days from the day of the sale, if the land is not previously redeemed, send by registered mail to each encumbrancer, if any, and to the registered owner, to the address of such

encumbrancer or owner as it appears at that time in the records of the municipality in which the land is situated or, if such address does not appear in any of the records of such municipality or is not known to the treasurer, to any address of such encumbrancer or owner appearing in the records of the registry office or sheriff's office, a notice stating that the land has been sold for taxes, the date of the sale, and that the encumbrancer or owner is at liberty within one year from the day of sale, exclusive of the day of sale, to redeem the estate sold by paying to the treasurer the amount required to redeem the estate and the amount of the charges for the searches aforesaid and for registration of the notice mentioned in subsection 3 and postage and 25 cents for the notice, the amount aforesaid to be specified in the notice.

County treasurer to ascertain address of owner, etc.

(3) Before sending the notice mentioned in subsection 2, the treasurer shall ascertain from the treasurer of the municipality in which the land is situated the address of each owner and encumbrancer as it appears in the records of such municipality, and the treasurer of the local municipality shall supply such address or addresses to the county treasurer upon the request of the county treasurer. 1964, c. 4, s. 7 (1).

Copy of notice to Public Trustee

(4) Where a notice has been sent under subsection 2 to a corporation, the treasurer shall, within the time limit in subsection 2, send by registered mail to the Public Trustee a copy of the notice so sent. 1966, c. 10, s. 19.

Registration of notice of sale

(5) The treasurer shall, within ninety days from the date of sale, register in the registry office a written notice signed by him stating that the land described therein has been sold for taxes, the date of the sale, the time within which the land may be redeemed and the amount required to redeem the land. 1964, c. 4, s. 7 (2).

Registered notice to be verified by affidavit as to sending of notices

(6) The notice mentioned in subsection 5 shall have attached thereto or endorsed thereon a statutory declaration of the treasurer setting forth the names and addresses of all persons to whom he has sent the notice required by subsection 2 and the date of sending the notice to each such person.

Receipts if arrears paid

(7) If within the time aforesaid payment of the amount is made by any such encumbrancer or by the owner of the land, the treasurer shall give to the person making the payment a receipt stating the sum paid and the object of the payment, and it is evidence of the redemption, and any encumbrancer making the payment may add the amount to his debt.

Who to be entitled to receipt

(8) In case of payment by the owner, the receipt shall be given to him and, in case of payment by one or more encumbrancers and not by the owner, the receipt shall be given

to

to that encumbrancer who is first in priority, and the amount paid by other persons shall be repaid to them. R.S.O. 1960, c. 23, s. 182 (4-6).

Receipt of redemption

(9) If under subsection 5 a notice of sale of land for taxes has been registered and the land is redeemed, the treasurer shall, upon payment of the redemption money, deliver to the person paying the money a receipt signed by himself stating therein a description of the land redeemed, the person who redeemed the land and the date and amount paid for redemption together with particulars of the registration of the notice, and a certified copy thereof shall be registered in the registry office by the treasurer. R.S.O. 1960, c. 23, s. 182 (7); 1964, c. 4, s. 7 (3).

Execution and delivery of deed

(10) If the redemption money is not paid within the time aforesaid, the treasurer upon payment of such charges for searches, postage and notice and $1 for the deed shall with the warden execute and deliver to the purchaser or his assigns or other legal representatives a tax deed in duplicate of the land sold.

Deed may include several lots

(11) Such deed, if requested, may include any number of lots that are to be conveyed to the same person.

Late searches and notices

(12) In any case where the treasurer fails to comply with the provisions of subsection 1 or 2 as to the time from the day of sale within which a search in the registry office and sheriff's office is made or notices to any encumbrancer and to the registered owner are sent, he may subsequently make or cause to be made the said search and send the notice, provided that in such case the time for redemption shall be within nine months from the day upon which the notice is sent and the notice shall so state. R.S.O. 1960, c. 23, s. 182 (8-10).

Interpretation

607. The words "treasurer" and "warden" in section 606 mean the person who at the time of the execution of the deed mentioned in that section holds such office. R.S.O. 1960, c. 23, s. 183.

Application of redemption money

608.—(1) Out of the redemption money, the treasurer shall pay to the purchaser, not being the municipality, or his assigns or other legal representatives,

(*a*) the sum paid by him together with 10 per cent of the full amount of the taxes for which the land was offered for sale; or

(*b*) if the sum paid by the purchaser was less than the amount of taxes for which the land was offered for sale, the sum paid by him together with 10 per cent of such sum,

and

and the balance less the lawful costs, charges and expenses of the treasurer belongs to the municipality.

Where municipality is purchaser

(2) Where the municipality is the purchaser, the whole of the redemption money belongs to it less the lawful costs, charges and expenses of the treasurer. R.S.O. 1960, c. 23, s. 184.

Contents of deed and effect thereof

609.—(1) The tax deed shall be according to Form 31, or to the same effect, and shall state the date and cause of the sale, and the price, and shall describe the land according to section 602, and has the effect of vesting the land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, and no such deed is invalid for any error or miscalculation in the amount of taxes or interest thereon in arrear, or any error in describing the land as "patented" or "unpatented" or "held under a licence of occupation" or "held under lease" or otherwise.

Declaration of treasurer

(2) Notwithstanding subsection 1, a tax deed is not valid unless there is affixed thereto a statutory declaration of the treasurer that he has sent to the encumbrancers and registered owner the notice as provided in section 606, and such declaration shall form part thereof, and, where the tax deed has been registered, the treasurer shall deposit the declaration in the proper registry or land titles office where it shall be attached to the tax deed of the land in respect of which it was made. R.S.O. 1960, c. 23, s. 185.

Treasurer to enter in a book descriptions of lands conveyed to purchasers

610. The treasurer shall enter in a book, which the county council or council of the city or town, as the case may be, shall furnish, a full description of every parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, and such book, after such entries have been made therein, shall together with all documents relating to lands sold for taxes be kept by him among the records of his office. R.S.O. 1960, c. 23, s. 188.

Deed to be binding if land not redeemed in one year

611. If any part of the taxes for which any land has been sold in pursuance of any Act heretofore in force in Ontario or of this Act had at the time of the sale been in arrear for three years as mentioned in section 564, and the land is not redeemed in one year after the sale, such sale, and the official deed to the purchaser (provided the sale was openly and fairly conducted) is, notwithstanding any neglect, omission or error of the municipality or of any agent or officer thereof in respect of imposing or levying such taxes or in any proceedings subsequent thereto, final and binding upon the former owner of the land and upon all persons claiming by,

through or under him, it being intended by this Act that the owner of land shall be required to pay the taxes thereon within three years after the taxes are in arrear or redeem the land within one year after the sale thereof, and, in default of the taxes being paid or the land being redeemed as aforesaid, the right to bring an action to set aside the deed or to recover the land is barred. R.S.O. 1960, c. 23, s. 189.

Deed valid if not questioned within a certain time

612. Where land is sold for taxes and a tax deed thereof has been executed, the sale and the tax deeds are valid and binding, to all intents and purposes, except as against the Crown, unless questioned before some court of competent jurisdiction within two years from the time of sale. R.S.O. 1960, c. 23, s. 190.

Certain treasurer's deeds not to be invalid if the sale is valid

613. In all cases where land has been validly sold for taxes, the conveyance by the officer who made the sale, or by his successors in office, is not invalid by reason of the statute under the authority whereof the sale was made having been repealed at or before the time of such conveyance, or by reason of the officer who made the sale having gone out of office. R.S.O. 1960, c. 23, s. 191.

Rights of entry adverse to tax purchaser

614. In all cases where land is sold for arrears of taxes whether such sale is or is not valid, then so far as regards rights of entry adverse to a *bona fide* claim or right, whether valid or invalid, derived mediately or immediately under such sale, section 10 of *The Conveyancing and Law of Property Act* does not apply, to the end and intent that in such cases the right or title of a person claiming adversely to any such sale shall not be conveyed where any person is in occupation adversely to such right or title, and that in such cases the Common Law and sections 2, 4 and 6 of the statute passed in the 32nd year of the reign of King Henry VIII, and chaptered 9, be revived, and the same are and shall continue to be revived. R.S.O. 1960, c. 23, s. 192.

R.S.O. 1960, c. 66

Common Law and 32 H. VIII, c. 9, ss. 2, 4 and 6, revived

Adjustment of damages when sale held to be invalid

615.—(1) In all cases not being within any of the exceptions and provisions of subsection 3, where land having been legally liable to be assessed for taxes is sold for arrears of taxes, then, in case an action is brought for the recovery of the land and the sale is held to be invalid, damages shall be assessed for the defendant for the amount of the purchase money at the sale and interest thereon, and of all taxes paid by the defendant in respect of the lands since the sale and interest thereon, and of the value of any improvements made by the defendant before the commencement of the action, or by any person through or under whom he claims, less all just allowances for the timber sold off the lands, and all other just allowances to the plaintiff, and the value of the land to be

recovered

recovered shall also be assessed less the value of any such improvements.

Plaintiff to pay damages into court before writ of possession issues, or tax purchaser may elect to retain the land on paying its value

(2) If a judgment is pronounced for the plaintiff, no writ of possession shall issue until the expiration of one month thereafter nor until the plaintiff has paid into court for the defendant the amount of such damages, or, if the defendant desires to retain the land, he may retain it, on paying into court within such period of one month, or on or before any subsequent day to be appointed by the court, the value of the land as assessed at the trial; after which payment no writ of possession shall issue, but the plaintiff, on filing in court for the defendant a sufficient release and conveyance to the defendant of his right and title to the land in question, is entitled to the money so paid in by the defendant.

When section not to apply:

(3) This section does not apply,

if taxes paid before sale

(*a*) if the taxes for non-payment whereof the land was sold have been fully paid before the sale;

if land redeemed

(*b*) if, within the period limited by law for redemption, the amount paid by the purchaser, with all interest payable thereon, has been paid or tendered to the person entitled to receive such payment, with a view to the redemption of the lands;

in case of fraud

(*c*) where, on the ground of fraud or evil practice by the purchaser at such sale, a court would grant equitable relief. R.S.O. 1960, c. 23, s. 193.

Where the plaintiff is not tenant in fee, the value of the land to be paid into Supreme Court

616.—(1) In any of the cases named in section 615, wherein the plaintiff is not tenant in fee simple, the payment into court to be made as aforesaid, of the value of the land, by the defendant desiring to retain the land, shall be into the Supreme Court, and the plaintiff and all parties entitled to and interested in the lands, as against the purchaser at such sale for taxes, on filing in the Supreme Court a sufficient release and conveyance to the defendant of their respective rights and interests in the land, are entitled to the money so paid in such proportions and shares as to the Supreme Court, having regard to the interests of the various parties, seems proper.

Payment into court where the defendant is not tenant in fee

(2) In any of such cases wherein the defendant is not tenant in fee simple, the payment of damages into court to be made as aforesaid by the plaintiff shall be into the Supreme Court. R.S.O. 1960, c. 23, s. 194.

Any other person interested may pay in value assessed if defendant does not

617.—(1) If the defendant does not pay into court the value of the land assessed as aforesaid, within the period of one month, or on or before any subsequent day appointed by the court, as mentioned in subsection 2 of section 615, any other person interested in the land under the sale or conveyance for taxes may, within ninety days after the date of the pronouncing of the judgment mentioned in subsection 2 of section 615, or before any subsequent day appointed by the court as mentioned in that subsection for payment by the defendant, pay into the court the said value of the land, and until the expiration of the time within which such payment may be made, and after such payment, no writ of possession shall issue.

Payer to have lien for such proportion as exceeds his interest

(2) The defendant or other person so paying in is entitled, as against all others interested in the land under the sale or conveyance for taxes, to a lien on the land for such amount as exceeds the proportionate value of his interest enforceable in such manner and in such shares and proportions as to the Supreme Court, having regard to the interests of the various parties, and on hearing the parties, seems fit. R.S.O. 1960, c. 23, s. 195.

How owner can obtain value of the land paid in

618. If the defendant or any other person interested pays into court in manner aforesaid, the plaintiff is entitled to the amount so paid in on filing in court a sufficient release and conveyance to the person so paying in, of all his right and title to the lands, in which release and conveyance it shall be expressed that the same is in trust for such person to secure his lien as aforesaid. R.S.O. 1960, c. 23, s. 196.

How the value of improvements, etc., paid in can be obtained

619. If the value of the land is not paid into court as above provided, the damages paid into the Supreme Court shall be paid out to the various persons who, if the sale for taxes were valid, would be entitled to the land, in such shares and proportions as to the Supreme Court, having regard to the interests of the various parties, seems fit. R.S.O. 1960, c. 23, s. 197.

Provisions as to costs where value of the land and improvements, etc., only in question

620.—(1) In all actions for the recovery of land in which both the plaintiff (if his title were good) would be entitled in fee simple, and the defendant (if his title were good) would be also so entitled, if the defendant at the time of appearing gave notice in writing to the plaintiff in such action or to his solicitor named in the writ of the amount claimed, and that on payment of such amount the defendant or person in possession will surrender the possession to the plaintiff; or that he desired to retain the land, and was ready and willing to pay the court a sum mentioned in such notice as the value of the land, and that the defendant did not intend at the trial

to contest the title of the plaintiff, and if the jury, or the judge, if there be no jury, before whom the action is tried, assesses damages for the defendant as provided in sections 615 to 619 and it satisfactorily appears that the defendant does not contest the action for any other purpose than to retain the land on paying the value thereof, or to obtain damages, the judge before whom the action is tried shall certify such fact upon the record, and thereupon the defendant is entitled to the costs of the defence in the same manner as if the plaintiff had been nonsuited on the trial, or a verdict had been rendered for the defendant.

Provisions as to costs in certain cases

(2) If on the trial it is found that such notice was not given as aforesaid, or if the judge or jury assesses for the defendant a less amount than that claimed in the notice, or finds that the defendant had refused to surrender possession of the land after tender made of the amount claimed, or (where the defendant has given notice of his intention to retain the land) that the value of the land is greater than the amount mentioned in the notice, or that he has omitted to pay into court the amount mentioned in the notice for thirty days after the plaintiff had given to the defendant a written notice that he did not intend to contest the value of the land, the judge shall not certify, and the defendant is not entitled to the costs of the defence, but shall pay costs to the plaintiff and, upon the trial of any action after such notice, no evidence shall be required in proof of the title of the plaintiff. R.S.O. 1960, c. 23, s. 198.

Tax purchaser without other remedy whose title is invalid to have a lien for purchase money, etc.

621. In any case in which the title of the tax purchaser is not valid, or in which no remedy is otherwise provided by this Act, the tax purchaser has a lien on the lands for the purchase money paid at the sale, and interest thereon at the rate of 10 per cent per annum, and for the taxes paid by him since the sale and interest thereon at the rate aforesaid, to be enforced against the land in such proportions as regards the various owners and in such manner as the Supreme Court thinks proper. R.S.O. 1960, c. 23, s. 199.

Contracts between tax purchaser and original owner continued

622. No valid contract entered into between any tax purchaser and original owner, in regard to any land sold or assumed to have been sold for taxes as to purchase, lease or otherwise, is annulled or interfered with by this Act, but such contract and all consequences thereof, as to admission of title or otherwise, remain in force as if this Act had not been passed. R.S.O. 1960, c. 23, s. 200.

Sections 614 to 622 not to apply where the owner has occupied since sale

623. Nothing in sections 614 to 622 affects the right or title of the owner of any land sold for taxes, or of any person claiming through or under him, where such owner at the time

of

of the sale was in occupation of the land, and the land has since the sale been in the occupation of such owner or of those claiming through or under him. R.S.O. 1960, c. 23, s. 201.

Construction of "tax purchaser", "original owner"

624. In the construction of sections 613 to 623, occupation by a tenant shall be deemed the occupation of the reversioner, and the words "tax purchaser" apply to any person who purchases at any sale under colour of any statute authorizing sale of land for taxes and includes and extends to all persons claiming through or under him, and the words "original owner" include and extend to any person who, at the time of such sale, was interested in or entitled to the land sold, or assumed to be sold, and to all persons claiming through or under him. R.S.O. 1960, c. 23, s. 202.

Where tax arrears procedures of R.S.O. 1960, c. 98, in effect

625. Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a municipality as defined in that Act, it is not necessary for the treasurer or other officer of the municipality to furnish to the county treasurer or sheriff any of the information or statements required under this Act in respect of tax arrears, and the powers and duties of the warden or treasurer of a county or sheriff under this Act in respect of tax arrears and tax sales do not apply in respect of the municipality, and all the powers and duties of the county treasurer or sheriff in respect of arrears of taxes are vested in the treasurer of the municipality. R.S.O. 1960, c. 23, s. 203.

Collection of arrears of taxes in cities and towns

626. In cities and towns, arrears of taxes shall be collected and managed in the same way as is hereinbefore provided in the case of other municipalities, and for such purposes the municipal officers of cities and towns shall perform the same duties and have the same powers as the like officers in other municipalities under sections 559 to 624, and the treasurer and mayor of every city or town shall, for such purposes, also perform the like duties as are hereinbefore, in the case of other municipalities, imposed on the county treasurer and warden respectively and have the like powers, and words referring to the county treasurer or warden shall as to a city or town be taken and deemed to refer to the mayor and treasurer of such city or town, provided that in cities and towns the performance of any such duty after the date or within a longer time than hereinbefore set out does not render any proceedings under this Act invalid or illegal so long as the provisions of this Act are in other respects duly complied with. R.S.O. 1960, c. 23, s. 204.

County by-law extending application of s. 626

627. The council of a county may by by-law declare that all the powers conferred upon cities and towns by section 626,

or any of the sections referred to in that section, and all duties imposed by such sections upon the officers of such cities and towns and the mayors thereof, shall thereafter apply to any township or village named in the by-law, and thereupon such powers conferred and such duties imposed by such sections are vested in and apply respectively to the corporation of such township or village and to the officers and reeve or other head thereof in the same manner and to the same extent as in the case of cities and towns and the officers and mayors thereof. R.S.O. 1960, c. 23, s. 205, *amended*.

Collection of taxes and sales of land for taxes in districts

628. Arrears of taxes due to the corporation of any municipality in a provisional judicial district shall be collected and managed in the same way as like arrears due to municipalities in counties, and the treasurer and head of such municipality shall perform the like duties in the collection and management of arrears of taxes as are performed in a county by the treasurer and warden. R.S.O. 1960, c. 23, s. 206.

Where deficiency occurs

629. Every municipal council in paying over any rate to a body for which it is required by law to levy rates or raise money shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes, and, where any deficiency is caused by the abatement or refund of or inability to collect taxes or by the limitation of taxation of a telephone company under section 11 of *The Assessment Act, 1968-69*, the council shall charge back a proportionate share thereof to every such body. R.S.O. 1960, c. 23, s. 207; 1962-63, c. 7, s. 12.

1968-69, c. 6

On incorporation of a town, county treasurer to transmit list of arrears to town treasurer

630. Upon the incorporation of any new town, in any county, the county treasurer shall make out a list of all arrears of taxes then due and unpaid in his books upon lands situated in the newly incorporated town, and shall transmit the list to the treasurer of the town, who after receipt thereof has, with the mayor, all the powers possessed by the county treasurer and warden for the collection of such taxes and for enforcement of the same by sale; but in the list the county treasurer shall not include any lot then advertised for sale for taxes. R.S.O. 1960, c. 23, s. 208.

Arrears of taxes, how collected where new municipality formed

631. In cases where a new local municipality is formed from two or more municipalities or portions of two or more municipalities situated in different counties, the collection of arrears of taxes due at the time of formation shall be made by the treasurer of the county in which the new municipality is situate, if the new municipality is a township or village, or if the new municipality is a town, by the treasurer of such town, and, for the purpose of enabling him to make the col-

lection

lection, the treasurer or the treasurers of the other county or counties from which any portion of the new municipality is detached shall immediately upon the formation thereof make out lists of the arrears of taxes then due in their respective portions, and transmit the lists to the treasurer of the county in which the new municipality is situate, or of the town as the case may be, and, where a new municipality is formed from two or more municipalities situate in any one county, the treasurer shall keep a separate account for such new municipality. R.S.O. 1960, c. 23, s. 209.

Who may take proceedings to enforce collection

632. The treasurer and warden of the county in which the new municipality, if it be a township or village, is situate, and the treasurer and mayor of the new municipality, if it be a town, have power, respectively, to take for the collection of such arrears of taxes all the proceedings that treasurers and wardens or treasurers and mayors can take for the sale and conveyance of land in arrear for taxes, and, if the lands in the new municipality have been advertised by the treasurer or treasurers of the county or counties of which the new municipality formed part before its formation, the sale of such lands shall be completed in the same manner as if the new municipality had not been formed. R.S.O. 1960, c. 23, s. 210.

Proceedings where returns made to treasurer before separation

633. Where a municipality or part of a municipality has been or is hereafter separated from one county and included in another after a return has been made to the treasurer of the county to which it formerly belonged of lands in arrear for taxes, but the lands have not been advertised for sale by the treasurer of the former county, such treasurer shall return to the treasurer of the county to which such territory belongs a list of all the lands within such territory returned as in arrear for taxes and not advertised, and the treasurer and warden of the county to which the territory belongs have power respectively to take all the proceedings that treasurers and wardens can take under this Act for the sale and conveyance of lands in arrear for taxes; but, if the lands in such territory have been advertised before the separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place, and conveyances of lands previously sold shall be made in like manner. R.S.O. 1960, c. 23, s. 211.

Sales for taxes on lands that have been annexed to city or separated town

634. Where a municipality or any part of a municipality has been or is hereafter separated from a county and included in a city or town separated from the county for municipal purposes, after a return has been made to the treasurer of the county of lands in arrear for taxes, but the lands have not been advertised for sale by the treasurer of the county, such treasurer shall return to the treasurer of the city or town

a list of all the lands within such territory returned as in arrear for taxes and not advertised, and the treasurer and mayor of the city or town have the power to take all the proceedings that treasurers and wardens can take under this Act for the sale and conveyance of lands in arrear for taxes; but, if the lands in such territory have been advertised before the separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place, and conveyances of lands previously sold shall be made in like manner. R.S.O. 1960, c. 23, s. 212.

Provision as to easements attaching to dominant tenement

635.—(1) Where land sold for arrears of taxes was a dominant tenement at the time of sale and was so sold after the 3rd day of April, 1930, the easements appurtenant thereto shall be deemed to have passed to the purchaser.

Provision as to easements affecting servient tenement

(2) Where land sold for arrears of taxes was a servient tenement at the time of sale and was so sold after the 3rd day of April, 1930, the easements to which the land was subject are not affected by the sale.

Restrictive covenant

(3) For the purposes of this section, a restrictive covenant running with the land shall be deemed to be an easement.

Savings as to rights of Crown

(4) Nothing in this section in any way affects or defeats the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered. R.S.O. 1960, c. 23, s. 15.

Effect of tax sale or tax certificate registration R.S.O. 1960, cc. 241, 98

636.—(1) Where land, the mining rights in which are liable for acreage tax under *The Mining Act*,

(*a*) is sold for taxes under this Act; or

(*b*) is vested in a municipality or school board upon registration of a tax arrears certificate under *The Department of Municipal Affairs Act*,

on or after the 1st day of April, 1954, such sale or vesting creates a severance of the surface rights from the mining rights, and only the surface rights in the land pass to the tax sale purchaser or vest in the municipality or school board, as the case may be, and the sale or registration does not in any way affect the mining rights. R.S.O. 1960, c. 23, s. 35 (6); 1960-61, c. 4, s. 4 (3).

before April 1, 1954

(2) Nothwithstanding subsection 1 or anything else in this or any other Act but subject to any forfeiture to the Crown

legally

R.S.O. 1960, c. 242 legally effected under *The Mining Tax Act* or its predecessor, where land the mining rights in which were liable for acreage tax under *The Mining Tax Act* or its predecessor,

(*a*) was sold for taxes under this Act or its predecessor; or

(*b*) was vested in a municipality or school board upon registration of a tax arrears certificate under *The Department of Municipal Affairs Act* or its predecessor, R.S.O. 1960, c. 98

before the 1st day of April, 1954, and there had been, before the sale or registration, no severance of the surface rights from the mining rights, and the sale or certificate purported to vest all rights in the land in the tax sale purchaser or in the municipality or school board, as the case may be, such sale or certificate shall be deemed to have vested in the tax sale purchaser or in the municipality or school board, as the case may be, without severance, both the surface and mining rights. R.S.O. 1960, c. 23, s. 35 (7).

Purchase by Crown of lands vested in municipalities under subss. 1, 2 1968-69, c. 6

(3) Where lands mentioned in subsection 1 or 2 are, under the provisions of this Act or *The Department of Municipal Affairs Act*, vested in a mining municipality designated under section 28 of *The Assessment Act, 1968-69*, the Crown in right of Ontario may purchase such lands at a price not exceeding $3 an acre. 1960-61, c. 4, s. 4 (4).

Responsibility of Officers

Offence for officers failing to perform their duty

637. Every treasurer, clerk or other officer who refuses or neglects to perform any duty required of him by this Part, for which no other penalty is imposed, is guilty of an offence and on summary conviction is liable to a fine of not more than $100. R.S.O. 1960, c. 23, s. 213, *amended*.

Offence for fraudulent collection, etc.

638. Every clerk, treasurer or collector, and every assistant or other person in the employment of the municipality, acting under this Part or *The Assessment Act, 1968-69* who makes a fraudulent collection, or copy of any assessor's or collector's roll, or wilfully and fraudulently inserts or permits to be inserted therein the name of any person that should not be entered, or fraudulently omits or allows to be omitted the name of any person that should be entered, or wilfully omits any duty required of him by this Part or *The Assessment Act, 1968-69* is guilty of an offence and on summary conviction is liable to a fine of not more than $200, or to imprisonment for a term of not more than six months, or to both. R.S.O. 1960, c. 23, s. 215, *amended*.

Proceedings for compelling collectors to pay over moneys collected to the proper treasurer

639. If a collector refuses or neglects to pay the sums contained in his roll to the proper treasurer or other person legally authorized to receive the same, or duly to account for the same as uncollected, the treasurer shall, within twenty days after the time when the payment ought to have been made, issue a warrant under his hand and seal directed to the sheriff of the county or city, as the case may be, commanding him to levy of the goods, chattels, lands and tenements of the collector and his sureties such sum as remains unpaid and unaccounted for, with costs, and to pay to the treasurer the sum so unaccounted for, and to return the warrant within forty days after the date thereof. R.S.O. 1960, c. 23, s. 218.

Warrant to be delivered to sheriff, etc.

640. The treasurer shall immediately deliver the warrant to the sheriff of the county or city, as the case may require. R.S.O. 1960, c. 23, s. 219.

Sheriff to execute warrant and pay money levied

641. The sheriff to whom the warrant is directed shall, within forty days, cause the warrant to be executed and make return thereof to the treasurer, and shall pay to him the money levied by virtue thereof, deducting for his fees the same compensation as upon writs of execution issued out of courts of record. R.S.O. 1960, c. 23, s. 220.

Mode of compelling sheriff to pay over

642. If a sheriff refuses or neglects to levy any money when so commanded, or to pay over the money, or makes a false return to the warrant, or neglects or refuses to make any return, or makes an insufficient return, the treasurer may, upon affidavit of the facts, apply in a summary manner to the Supreme Court or a judge thereof for an order *nisi* or summons calling on the sheriff to answer the matter of the affidavit. R.S.O. 1960, c. 23, s. 221.

When returnable

643. The order *nisi* or summons is returnable at such time as the court or judge directs. R.S.O. 1960, c. 23, s. 222.

Hearing on return

644. Upon the return of the order *nisi* or summons, the court or judge may proceed in a summary manner upon affidavit, and without formal pleading, to hear and determine the matter of the application. R.S.O. 1960, c. 23, s. 223.

Fi. fa. to the coroner to levy the money

645. If the court or judge is of opinion that the sheriff has been guilty of the dereliction alleged against him, the court or judge shall order the proper officer of the court to issue a writ of *fieri facias*, adapted to the case, directed to a coroner of the county in which the municipality is situate, or to a coroner of the city or town, as the case may be, for which the collector is in default. R.S.O. 1960, c. 23, s. 224.

Tenor of such writ and execution thereof

646. The writ shall direct the coroner to levy of the goods and chattels of the sheriff the sum that the sheriff was ordered to levy by the warrant of the treasurer, together with the costs of the application and of the writ and of its execution, and the writ shall bear date on the day of its issue, and is returnable forthwith on its being executed, and the coroner, upon executing the writ, is entitled to the same fees as upon a writ grounded upon a judgment of the court. R.S.O. 1960, c. 23, s. 225.

Offence for sheriff neglecting to perform duty

647. Every sheriff who wilfully omits to perform any duty required of him by this Act is guilty of an offence and on summary conviction is liable to a fine of not more than $200. R.S.O. 1960, c. 23, s. 226.

Payment of money collected for the Province

648. All money assessed, levied and collected for the purpose of being paid to the Treasurer of Ontario, or to any other public officer, for the public uses of Ontario, or for any special purpose or use mentioned in the Act under which the money is raised, shall be assessed, levied and collected by, and accounted for and paid over to, the same persons, in the same manner and at the same time as taxes imposed on the same property for county, city or town purposes and shall be deemed and taken to be money collected for the county, city or town, so far as to charge every collector or treasurer with the same, and to render him and his sureties responsible therefor, and for every default or neglect in regard to the same, in like manner as in the case of money assessed, levied and collected for the use of the county, city or town. R.S.O. 1960, c. 23, s. 227.

How money collected for county purposes to be paid over

649. All money collected for county purposes or for any of the purposes mentioned in section 648 is payable by the collector to the township, town or village treasurer, and by him to the county treasurer, and the corporation of the township, town or village is responsible therefor to the corporation of the county. R.S.O. 1960, c. 23, s. 228.

Collectors or treasurers bound to account for all money collected by them

650. Any bond or security given by the collector or treasurer to the corporation of the township, town or village, to account for and pay over all money collected or received by him, applies to money collected or received for county purposes or for any of the purposes mentioned in section 657. R.S.O. 1960, c. 23, s. 229.

Local treasurer to pay over county moneys to county treasurer

651.—(1) The treasurer of every township, town or village shall, on or before the 20th day of December in each year, pay to the treasurer of the county all moneys that were assessed and by law required to be levied and collected in the municipality for county purposes or for any of the purposes mentioned in section 648, and, in case of non-payment of such

moneys or any portion thereof on or before such date, the township, town or village so in default shall pay to the county interest thereon at the rate of 6 per cent per annum from such date until payment is made.

Reduced penalty rate and allowance of discount for prepayment

(2) The council of a county may by by-law provide for a rate of interest of less than 6 per cent per annum in case of non-payment of moneys assessed for county purposes and may also provide for payment of a discount at such rate per annum as the by-law may set forth for payment of moneys or any portion thereof assessed for county purposes if paid prior to the 20th day of December in the year in which the moneys are payable. R.S.O. 1960, c. 23, s. 230.

Mode of enforcing such payments

652. If default is made in such payment, the county treasurer may retain or stop a like amount out of any money that would otherwise be payable by him to the municipality, or may recover the same by an action against the municipality, or, where the same has been in arrear for three months, he may, by warrant under his hand and seal, reciting the facts, direct the sheriff of the county to levy and collect the amount due with interest and costs from the municipality in default. R.S.O. 1960, c. 23, s. 231.

How sheriff to make levy

R.S.O. 1960, c. 126

653. The sheriff, upon receipt of the warrant, shall levy and collect the amount, with his own fees and costs, in the same manner as is provided by *The Execution Act* in the case of executions against municipal corporations. R.S.O. 1960, c. 23, s. 232.

Treasurer, etc., to account for and pay over Crown money

654. The county, city or town treasurer is accountable and responsible to the Crown for all money collected for any of the purposes mentioned in section 648, and shall pay over such money to the Treasurer of Ontario. R.S.O. 1960, c. 23, s. 233.

Municipality responsible for such money

655. Every county, city and town is responsible to Her Majesty, and to all other persons interested, that all money coming into the hands of the treasurer of the county, city or town in virtue of his office shall be duly paid over and accounted for by him according to law. R.S.O. 1960, c. 23, s. 234.

Treasurer, etc., responsible to county, etc.

656. The treasurer and his sureties are responsible and accountable for such money to the county, city or town, and any bond or security given by them for the duly accounting for and paying over money belonging to the county, city or town applies to all money mentioned in section 648 and may be enforced against the treasurer or his sureties in case of default. R.S.O. 1960, c. 23, s. 235.

Bonds to apply to school money

657. The bond of the treasurer and his sureties applies to school money and to all public money of Ontario and, in case of default, Her Majesty may enforce the responsibility of the county, city or town by stopping a like amount out of any public money that would otherwise be payable to the county, city or town or to the treasurer thereof, or by action against the corporation. R.S.O. 1960, c. 23, s. 236.

City, etc., responsible for default of treasurer, etc.

658. Any person aggrieved by the default of the treasurer may recover from the corporation of the county, city or town the amount due or payable to such person as money had and received to his use. R.S.O. 1960, c. 23, s. 237.

Miscellaneous

Uncollectable taxes

659.—(1) Where the treasurer ascertains that certain taxes are uncollectable, he shall recommend to the Assessment Review Court that such outstanding taxes be struck off the roll, and the council, upon the recommendation of the Assessment Review Court, may direct the treasurer to strike such taxes off the roll.

Taxes uncollectable by reason of court decision 1968-69, c. 6

(2) Notwithstanding subsection 1, the treasurer may strike from the roll taxes that by reason of a decision under section 76 of *The Assessment Act, 1968-69*, or of a decision of a judge of any court are uncollectable. R.S.O. 1960, c. 23, s. 244, *amended*.

Payment in lieu of taxes by Government of Canada

660.—(1) Where the Government of Canada desires to relieve a tenant or user of any land owned by Her Majesty in right of Canada, or in which Her Majesty has an interest, from his personal liability to pay taxes assessed against him, or to provide payment for specific municipal services rendered to such a tenant or user or to Her Majesty, a municipality may agree to accept and may accept from the Government of Canada an amount of money in lieu of taxes on such tenant or user or payment for such specific municipal services that would otherwise be payable.

Municipal services

(2) The specific municipal services referred to in subsection 1 do not include the provision of any right to attend elementary or secondary schools.

Taxes not to be levied

(3) Where a municipality has agreed to accept and has accepted such payment, as provided for in subsection 1, the municipality shall not collect any taxes on or in respect of any person who uses land with respect to which such payment is made.

(4) Where moneys are received by a municipality under subsection 1 to relieve a tenant or user of any land owned by Her Majesty in right of Canada, or in which Her Majesty has an interest, from his personal liability to pay taxes assessed against him, the amount thereof which, if the taxes had been levied in the usual way, would have been paid to any body for which the council is required by law to levy rates or raise money shall be paid over to such body. Distribution of money

(5) The money received by a municipality under subsection 1 other than the money paid over to other bodies under subsection 4 shall be credited to the general fund of the municipality. R.S.O. 1960, c. 23, s. 245. Idem

661. Where the municipal offices in a municipality are closed on Saturday and the time limited for any proceeding or for the doing of any thing in such municipal offices under this Part expires or falls upon a Saturday, the time so limited shall extend to and the thing may be done on the day next following that is not a holiday. R.S.O. 1960, c. 23, s. 246. Computation of time for proceedings where time limited expires on Saturday

32. Form 1 of *The Municipal Act*, as amended by section 21 of *The Municipal Amendment Act, 1962-63*, is further amended by striking out item 6. R.S.O. 1960, c. 249, Form 1, amended

33. Form 20*a* of *The Municipal Act*, as enacted by section 39 of *The Municipal Amendment Act, 1966*, is amended by striking out "assessor or collector" in the fourteenth line and inserting in lieu thereof "treasurer, collector, etc.", so that the Form shall read as follows: R.S.O. 1960, c. 249, Form 20*a* (1966, c. 93, s. 39), amended

FORM 20*a*

(*Section 236 (1a)*)

DECLARATION OF APPOINTED OFFICE

I, ..., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*insert name of office, or offices in the case of a person who has been appointed to two or more offices that he may lawfully hold at the same time*), that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the offices to which I have been appointed in this municipality, that I have not received and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of such office (*or* offices), and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the corporation except that arising out of my office as clerk (*or* my office as treasurer, collector, etc., *as the case may be*).

R.S.O. 1960, c. 249, amended

34. *The Municipal Act* is amended by adding thereto the following forms:

FORM 29

(*Section 556* (*3*))

FORM OF OATH TO BE ATTACHED TO COLLECTOR'S ROLL

I, (*name and residence*), make oath and say (*or* solemnly declare and affirm) as follows:

In accordance with *The Municipal Act*, I have appended my initials in the collector's roll attached hereto to every date entered by me in the roll as the date of demand of payment, or notice of taxes, pursuant to section 542 (*or* section 548) and of every transmission of statement and demand of taxes pursuant to section 544, or have attached my certificate pursuant to section 545, and every such date has been truly stated in the roll or certificate.

FORM 30

(*Section 570* (*2*))

CERTIFICATE OF TREASURER

Treasurer's Office of the County (*or* City *or* Town *or* Township) of

.....

Statement showing arrears of taxes upon the following lands in the Township, *or* City, *or* Town of .....

Lot	Concession or Street	Quantity of Land	Amount	Year

I hereby certify that the above statement shows all arrears of taxes returned to this office against the above lands, and that no part of the lands has been sold for taxes and no certificate of tax arrears has been registered against the lands within the last eighteen months, and that the return under section 559 of *The Municipal Act* has been made for the year 19.....

.....
Treasurer.

FORM

FORM 31

(*Section 609*)

TAX DEED

To all to whom these presents shall come:

We, ..., of the ..... of ....., Esquire, Warden (*or* Mayor, *or* Reeve), and ..... of the ..... of ....., Esquire, Treasurer of the County (*or* City *or* Town *or* Township) of....., Send Greeting:

WHEREAS by virtue of a warrant under the hand of the Warden (*or* Mayor *or* Reeve) and seal of the said County (*or* City *or* Town *or* Township), bearing date the ..... day of ....., 19.... commanding the Treasurer of the County (*or* City *or* Town *or* Township) to levy upon the land hereinafter mentioned for the arrears of taxes due thereon, with his costs, the Treasurer of the County (*or* City *or* Town *or* Township) did, on the ..... day of ....., 19....., sell by public auction to ....., of the ..... of ...., in the County of ....., that certain parcel or tract of land and premises hereinafter mentioned, at and for the price or sum of ..... of lawful money of Canada, on account of the arrears of taxes alleged to be due thereon up to the ..... day of ....., 19...., together with the costs:

Now know ye, that we, ... and ..... as Warden (*or* Mayor *or* Reeve) and Treasurer of the said County (*or* City *or* Town *or* Township) in pursuance of such sale, and of *The Municipal Act*, and for the consideration aforesaid, do hereby grant, bargain and sell unto ....., his heirs and assigns, all that certain parcel or tract of land and premises containing ..... being composed of (*describe the land so that it may be readily identified*).

In witness whereof, we the Warden (*or* Mayor *or* Reeve) and Treasurer of the County (*or* City *or* Town *or* Township) have hereunto set our hands and affixed the seal of the County (*or* City *or* Town *or* Township), this ..... day of ..... 19....; and the Clerk of the County (*or* City *or* Town *or* Township) Council has countersigned.

A.B., Warden (*or* Mayor *or* Reeve), (*Corporate Seal*)

C. D., Treasurer

Countersigned,

E. F., Clerk.

Hours of polling where council and divisional board members elected on same day

35. Notwithstanding the provisions of any general or special Act or any by-law, where in the year 1968 the day for polling for the election of members of council and for members of a divisional board of education in any municipality is the same, the polls in such municipality shall remain open from 10 o'clock in the forenoon to 8 o'clock in the afternoon, provided that the council of the municipality may by by-law passed at any time after the coming into force of this section change the time for opening and closing the polls so that they will remain open for not less than eight consecutive hours between 8 o'clock in the forenoon and 9 o'clock in the afternoon.

36.

Floodgrants, Sault Ste. Marie

36. The council of The Corporation of the City of Sault Ste. Marie may pass by-laws for making grants in aid of persons whose property within the City suffered injury or damage as a result of the flooding which occurred on or about the 27th day of June, 1969.

37.—(1) This Act, except sections 1 to 31, 33, 34 and 36, comes into force on the day it receives Royal Assent.

Idem

(2) Section 8 shall be deemed to have come into force on the 1st day of January, 1969.

(3) Subsections 3 and 4 of section 18 and section 36 shall be deemed to have come into force on the 1st day of October, 1969.

(4) Sections 1 to 7, 9 to 17, subsections 1 and 2 of section 18, sections 19 to 31 and sections 33 and 34 come into force on the 1st day of January, 1970.

Short title

38. This Act may be cited as *The Municipal Amendment Act, 1968-69*.

CHAPTER 75

An Act to amend The Municipal Corporations Quieting Orders Act

Assented to June 27th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3 of *The Municipal Corporations Quieting Orders Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 251, s. 3, subs. 3, re-enacted

(3) Upon receipt of an application for a quieting order the secretary of the Board shall transmit one copy to the Department. Duplicate copy for Department

2. Section 4 of *The Municipal Corporations Quieting Orders Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 251, s. 4, re-enacted

4.—(1) Except as provided in subsections 2, 3 and 4, the Board before making any order under section 2 shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board. Public hearing

(2) The Board may direct that the notice to be given shall state that anyone objecting to the making of a quieting order may, within such time from the giving of the notice as may be prescribed by the Board, file his objection to the making of the quieting order with the clerk of the municipality that has made the application, or on whose behalf the application has been made by the Department. Notice to provide for filing of objection

(3) Where notice has been given under subsection 2, the Board may, when no notice of objection has been filed with the clerk within the time specified in the notice, make a quieting order respecting the municipality without holding a public hearing. Where no objection filed

(4)

Where objections filed

(4) If one or more objections have been filed with the clerk within the time specified in the notice, the Board shall hold a public hearing.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Municipal Corporations Quieting Orders Amendment Act, 1968-69*.

CHAPTER 76

An Act to amend The Municipal Franchises Act

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Franchises Act* is amended by adding thereto the following section: R.S.O. 1960, c. 255, amended

9*a*.—(1) Where the term of a right to operate works for the distribution of gas or to supply gas to a municipal corporation or to the inhabitants of a municipality has expired or will expire within one year, either the municipality or the party having the right may apply to the Ontario Energy Board for an order for a renewal of or an extension of the term of the right. Application to Energy Board for renewal, etc., of gas franchise

(2) The Ontario Energy Board has and may exercise jurisdiction and power necessary for the purposes of this section and, if public convenience and necessity appear to require it, may make an order renewing or extending the term of the right for such period of time and upon such terms and conditions as may be prescribed by the Board, or if public convenience and necessity do not appear to require a renewal or extension of the term of the right, may make an order refusing a renewal or extension of the right. Powers of Energy Board

(3) The Board shall not make an order under subsection 2 until after the Board has held a public hearing upon application therefor and of which hearing such notice shall be given in such manner and to such persons and municipalities as the Board may direct. Hearing

(4) Notwithstanding subsection 3, where an application has been made under subsection 1 and the term of the right has expired or is likely to expire before the Board disposes of the application, the Board, on the Interim order

written

written request of the applicant, and without holding a public hearing, may make such order as may be necessary to continue the right until an order is made under subsection 2.

Order deemed by-law for R.S.O. 1960, c. 335, s. 58

(5) An order of the Board under subsection 2 renewing or extending the term of the right or an order of the Board under subsection 4 shall be deemed to be a valid by-law of the municipality concerned for the purposes of section 58 of *The Public Utilities Act*.

Right expired before commencement of section

(6) An application may not be made under this section in respect of a right that has expired before the coming into force of this section.

R.S.O. 1960, c. 255, s. 10, amended

2. Section 10 of *The Municipal Franchises Act* is amended by inserting after "9" in the fourth line "or 9*a*", so that the section shall read as follows:

Appeal

10. With leave of a judge thereof, an appeal lies upon any question of law or fact to the Court of Appeal from any certificate granted under section 8 or any order made under section 9 or 9*a* if application for leave to appeal is made within fifteen days from the date of the certificate or order, as the case may be, and the rules of practice of the Supreme Court apply to any such appeal.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Municipal Franchises Amendment Act, 1968-69*.

CHAPTER 77

An Act to amend The Municipality of Metropolitan Toronto Act

Assented to, except sections 6 and 7, June 27th, 1969
Sections 6 and 7 assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 2 of *The Municipality of Metropolitan Toronto Act*, as enacted by section 1 of *The Municipality of Metropolitan Toronto Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 2, subs. 4 (1965, c. 81, s. 1), re-enacted

(4) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of *The Expropriations Act, 1968-69*. Deemed municipality under 1968-69, c. 36

2. Subsections 9 and 10 of section 5 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 3 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, are repealed. R.S.O. 1960, c. 260, s. 5 (1966, c. 96, s. 3), subss. 9, 10, repealed

3.—(1) Clauses *c* and *d* of subsection 1 of section 12 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 6 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, are repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 12 (1966, c. 96, s. 6), subs. 1, cl. *c*, re-enacted; cl. *d*, repealed

(*c*) the four alderman members of the executive committee of the City of Toronto,

. . . . . R.S.O. 1960, c. 260, s. 12 (1966, c. 96, s. 6) subs. 4, re-enacted; subs. 5, repealed

(2) Subsections 4 and 5 of the said section 12 are repealed and the following substituted therefor:

(4) An alderman entitled to be a member of the Executive Committee under subsection 1 shall not take his seat on the Executive Committee until he has filed with the person presiding at the first meeting Certificate of qualification

a certificate under the hand of the clerk of the City of Toronto certifying that he is a member of the executive committee of the City of Toronto.

R.S.O. 1960, c. 260, s. 21, subs. 2, re-enacted

4. Subsection 2 of section 21 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

Alternative method of signing cheques

(2) Notwithstanding subsection 1, the Metropolitan Council may by by-law designate one or more persons to sign cheques in lieu of the treasurer and may by by-law provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written, stamped, lithographed, or engraved on cheques.

R.S.O. 1960, c. 260, amended

5. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

Distribution of moneys paid on termination of fixed assessment agreement R.S.O. 1960, c. 23

35*a*. Where the owner of a golf course makes a payment to an area municipality pursuant to subsection 4 or 5 of section 39 of *The Assessment Act*, the amount paid shall be distributed among the bodies for which the area municipality is required to levy in the proportion that the sum of the levies for each body during the currency of the agreement bears to the sum of the total levies during such period.

R.S.O. 1960, c. 260, s. 122, amended

6. Section 122 of *The Municipality of Metropolitan Toronto Act*, as amended by section 6 of *The Municipality of Metropolitan Toronto Amendment Act, 1968*, is further amended by striking out "$130,000" in the amendment of 1968 and inserting in lieu thereof "$169,000", so that the section shall read as follows:

Grants re free transportation for blind, etc.

122. The Metropolitan Council may make an annual grant of not more than $169,000 to the Toronto Transit Commission toward the cost of providing free transportation for blind persons and war amputees.

R.S.O. 1960, c. 260, amended

7. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

Grants, etc., re free or reduced rate transportation for the aged

122*a*. The Metropolitan Council may expend moneys and make grants to the Commission in such amounts and on such terms and conditions as the Council may consider appropriate to meet the cost of providing transportation free of charge or at a reduced rate for persons resident in the Metropolitan Area who are sixty-five years of age or over, or for any class or classes of such persons.

8.

8. Section 126 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 12 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, is amended by adding thereto the following subsections: R.S.O. 1960, c. 260, s. 126 (1966, c. 96, s. 12), amended

(1*a*) The elective members of the boards of education for the City of Toronto and the boroughs of Etobicoke and East York shall consist of two members to be elected in each ward of the city or borough, as the case may be, and the elective members of the boards of education for each of the other area municipalities shall consist of one member to be elected in each ward of the area municipality. Election by wards

(1*b*) Nothing in subsection 1*a* prevents the changing of the composition of a board of education and the election of the members thereof in accordance with the provisions of *The Secondary Schools and Boards of Education Act*. Application of R.S.O. 1960, c. 362

9. Subsection 5 of section 146 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 12 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, is repealed. R.S.O. 1960, c. 260, s. 146 (1966, c. 96, s. 12), subs. 5, repealed

10. Clause *d* of subsection 1 of section 196 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 12 of *The Municipality of Metropolitan Toronto Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 196, subs. 1, cl. *d* (1968, c. 80, s. 12), re-enacted

(*d*) one provincial judge under *The Provincial Courts Act, 1968* designated by the Lieutenant Governor in Council; and 1968, c. 103

. . . . . .

11. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960, c. 260, amended

257.—(1) The Metropolitan Corporation may enter into an agreement with the Ontario Motor League or any similar organization for the provision and maintenance of an emergency call system on any metropolitan road. Agreement for emergency call system

(2) An agreement entered into under subsection 1 may be for such period and on such terms and conditions as may be thought proper. Terms and conditions

12. The Metropolitan Council may make a grant to York University in the amount of $2,400,000 with the amount of $24,000 to be paid in 1969 and the balance to be paid in nine equal annual instalments of $264,000 commencing in 1970. Grant to York University

13.

Commencement

13.—(1) This Act, except sections 2, 3, 5 and 8, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2 and 3 come into force on the 1st day of January, 1970.

Idem

(3) Sections 5 and 8 shall be deemed to have come into force on the 1st day of January, 1967.

Short title

14. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1968-69*.

CHAPTER 78

An Act respecting the Municipality of Neebing

Assented to June 18th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Wards

1. Notwithstanding any general or special Act, the Municipality of Neebing, on and after the 1st day of January, 1970, is divided into three wards, composed as follows,

(*a*) the ward of Blake consisting of the Township of Blake;

(*b*) the ward of Crooks consisting of the Township of Crooks; and

(*c*) the ward of Pardee consisting of the Township of Pardee,

and all islands in front of each of such townships within the distance of one mile form part of the ward consisting of such township.

Council composition

2.—(1) Notwithstanding any general or special Act, on and after the 1st day of January, 1970, the council of The Corporation of the Municipality of Neebing shall consist of a reeve and four councillors,

(*a*) one councillor for each ward to be elected by the electors of the ward;

(*b*) one councillor to be elected by the general vote of the electors of the whole of the municipality; and

(*c*) a reeve to be elected by the general vote of the electors of the whole of the municipality.

Term of office

(2) The members of the council shall be elected for a three-year term of office commencing on the 1st day of

January

January, 1970, and thereafter for a two-year term of office commencing with the council that takes office in January, 1973.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Municipality of Neebing Act, 1968-69*.

CHAPTER 79

An Act to amend The Nursing Homes Act, 1966

Assented to May 8th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Nursing Homes Act, 1966* is amended by adding thereto the following sections: 1966, c. 99, amended

10*a*. Where a nursing home is operating without a licence, each resident therein shall arrange to vacate the nursing home as soon as it is practicable and the Minister shall assist in finding appropriate alternative accommodation. Vacating unlicensed home

. . . . .

11*a*. Any person who contravenes any provision of this Act or the regulations for which no penalty is otherwise provided, except section 10*a*, is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000. Penalty

2. Clause *c* of subsection 1 of section 12 of *The Nursing Homes Act, 1966*, is amended by inserting after "establishment" in the first line "location", so that the clause shall read as follows: 1966, c. 99, s. 12, subs. 1, cl. *c*, amended

(*c*) respecting the construction, establishment, location, alteration, safety, equipment, maintenance and repair of nursing homes.

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Nursing Homes Amendment Act, 1968-69*. Short title

CHAPTER 80

The Ontario College of Art Act, 1968-69

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "academic staff" means the teachers, chairmen of teaching departments, and directors of academic divisions of the Ontario College of Art;

(*b*) "College" means the Ontario College of Art;

(*c*) "Council" means the Council of the Ontario College of Art. 1961-62, c. 15, s. 1, *amended*.

College

2.—(1) The Ontario College of Art is continued.

Object

(2) The object of the College is to provide the opportunity and environment for the education and training of students and teachers in the fine and applied arts. 1961-62, c. 15, s. 2, *amended*.

Council continued, composition

3.—(1) The Council of the Ontario College of Art is continued as a body corporate and, within two months after this Act comes into force, the Council shall be reconstituted to consist of,

(*a*) the President;

(*b*) nine members appointed by the Lieutenant Governor in Council;

(*c*) six members elected from and by the full-time academic staff; and

(*d*) three members elected from and by the students registered as full-time students at the College.

First election

(2) The Council, within two months after this Act comes into force, shall provide for and conduct the first election of members under clauses *c* and *d* of subsection 1.

First appointments

(3) Of the first members appointed under clause *b* of subsection 1, one-third shall be appointed to hold office for one year, one-third for two years and one-third for three years, and in each year thereafter three members shall be appointed to hold office for three years.

First election by academic staff

(4) Of the first members elected under clause *c* of subsection 1, one-third shall be elected to hold office for one year, one-third for two years and one-third for three years, and in each year thereafter two members shall be elected to hold office for three years.

First election by students

(5) Of the first members elected under clause *d* of subsection 1, two shall be elected to hold office for one year and one for two years, and in each year thereafter one member shall be elected to hold office for one year and one for two years, and the question as to which of such members shall hold office for one year or two years shall be determined as may be provided for in the by-laws of the Council.

Eligibility of students

(6) Every person registered as a full-time student at the College is eligible to be elected as a member of the Council under clause *d* of subsection 1.

Maximum term for students

(7) A member elected under clause *d* of subsection 1 ceases to hold office when he ceases to be registered as a full-time student at the College, and no such member shall in any event hold office for longer than three years.

Eligibility for re-appointment or re-election

(8) Subject to subsection 7, members of Council if otherwise qualified are eligible for re-appointment or re-election.

Attendance at meetings

(9) If within any fiscal year of the College a member of the Council not having been granted leave of absence by the Council attends less than 50 per cent of the regular meetings of the Council, he shall *ipso facto* vacate his office and the Council by resolution shall declare his membership vacant.

Vacancy

(10) Where a vacancy on the Council occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

(11) The Council until reconstituted in accordance with this section shall consist of the present members of the Council. 1961-62, c. 15, s. 3, *amended*. Present Council

4. The Council shall elect a chairman from among the members appointed by the Lieutenant Governor in Council and, in the case of the absence or illness of the chairman, the Council may appoint one of its members to act as chairman *pro tempore*, and the member so appointed shall act as and have all the powers of the chairman. 1961-62, c. 15, s. 11, cl. *a*, *amended*. Chairman

5. Eight members, including not fewer than four appointed members and not fewer than four elected members, constitute a quorum of the Council. 1961-62, c. 15, s. 11, cl. *d*, *amended*. Quorum

6.—(1) The government, conduct, management and control of the College and of its property, revenues, expenditures, business and affairs are vested in the Council, and the Council has all powers necessary or convenient to perform its duties and achieve the object of the College and, without limiting the generality of the foregoing, may, Powers of Council

(*a*) appoint and remove the President;

(*b*) appoint and remove the heads of all divisions and departments, administrative officers, teaching staff and such other officers and employees as the Council deems necessary or expedient for the purposes of the College;

(*c*) fix the numbers, duties, salaries and other emoluments of members of the staff of the College;

(*d*) appoint such committees and boards, including divisional academic committees and boards, as it deems advisable and confer upon any of such committees or boards authority to act for the Council with respect to any matter or classes of matters;

(*e*) establish such advisory bodies as it deems advisable;

(*f*) create such divisions and departments as it deems advisable;

(*g*) control, regulate and determine the educational policy of the College;

(*h*)

(*h*) determine the courses of study and standards for admission to the College and for continued membership therein, and the qualifications for diplomas;

(*i*) conduct examinations and appoint examiners;

(*j*) deal with all matters arising in connection with the awarding of scholarships, bursaries, medals, prizes and other awards;

(*k*) confer upon students of the College the diploma of "Associate of the Ontario College of Art" and the right to affix the letters "A.O.C.A." after their names, and issue such certificates of proficiency as may be provided for in the by-laws of the Council;

(*l*) make by-laws and regulations for the conduct of its affairs, including the election of members.

Appointment and removal of officers

(2) No person shall be appointed or removed as head of a division or department, as a senior administrative officer or as a member of the teaching staff of the College, except on the recommendation of the President. 1961-62, c. 15, ss. 4, 6, 11, *part*, *amended*.

President

7. The President of the College is the chief executive officer of the College. 1961-62, c. 15, s. 5, *amended*.

Affiliation with university

8. The College may be affiliated with any university in Ontario where arrangements may be considered expedient for the use of common instruction and the granting of degrees. 1961-62, c. 15, s. 7.

Arrangements with Department of Education

9. The Council may arrange with the Department of Education for courses and examinations for teachers of art and supervisors of art instructors in schools in Ontario. 1961-62, c. 15, s. 8.

Property

10. The Council may purchase or otherwise acquire, take by gift, devise or bequest and hold such real and personal property as it may deem necessary for the purposes of the College, and may mortgage, sell or otherwise dispose of the same as occasion requires. 1961-62, c. 15, s. 9, *amended*.

Annual report

11.—(1) The Council shall, after the close of each fiscal year, file with the Minister of University Affairs an annual report upon the affairs of the College.

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1961-62, c. 15, s. 12, *amended*. Tabling

12. *The College of Art Act, 1961-62* is repealed. 1961-62, c. 15, repealed

13. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

14. This Act may be cited as *The Ontario College of Art Act, 1968-69*. Short title

CHAPTER 81

An Act to amend The Ontario Energy Board Act, 1964

Assented to October 31st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 3 of section 1 of *The Ontario Energy Board Act, 1964* is repealed and the following substituted therefor: 1964, c. 74, s. 1, par. 3, re-enacted

3. "distributor" means a person who supplies gas, fuel oil or propane to a consumer, and "distributing" and "distribution" have corresponding meanings.

(2) Paragraph 4 of the said section 1, as re-enacted by subsection 2 of section 1 of *The Ontario Energy Board Amendment Act, 1967*, is repealed and the following substituted therefor: 1964, c. 74, s. 1, par. 4 (1967, c. 64, s. 1, subs. 2), re-enacted

4. "fuel oil" means any liquid hydrocarbon within the meaning from time to time of the Canadian Government Specifications Board specification 3-GP-2 entitled FUEL OIL, 3-GP-3 entitled KEROSINE, 3-GP-6 entitled DIESEL FUEL, or, when used for heating, cooking or lighting, within the meaning from time to time of 3-GP-27 entitled LIGHTING NAPHTHA.

(3) Paragraph 5 of the said section 1 is amended by striking out "or liquefied petroleum gas" in the first and second lines and inserting in lieu thereof "propane-air gas", so that the paragraph shall read as follows: 1964, c. 74, s. 1, par. 5, amended

5. "gas" means natural gas, manufactured gas, propane-air gas or any mixture of any of them.

(4) Paragraph 6 of the said section 1 is repealed. 1964, c. 74, s. 1, par. 6, repealed

(5) Paragraph 8 of the said section 1 is repealed and the following substituted therefor: 1964, c. 74, s. 1, par. 8, re-enacted

8. "manufactured gas" means any artificially produced fuel gas, except acetylene and any other gas used principally in welding or cutting metals.

1964, c. 74, s. 1, amended

(6) The said section 1 is amended by adding thereto the following paragraphs:

13*a*. "pool" means an underground accumulation of oil or natural gas or both, separated or appearing to be separated from any other such underground accumulation;

. . . . .

14*a*. "propane" means a hydrocarbon consisting of 95 per cent or more of propane, propylene, butane or butylene, or any blend thereof;

. . . . .

15*a*. "spacing unit" means a surface area established by a regulation made under *The Energy Act, 1964* or a predecessor thereof for the purpose of drilling for, or the production of, oil or gas, and includes the subsurface specified by the regulation.

1964, c. 74

1964, c. 74, s. 13, subs. 2, amended

2. Subsection 2 of section 13 of *The Ontario Energy Board Act, 1964* is amended by inserting after "to" in the first line "section 25*a* and", so that the subsection shall read as follows:

Applications

(2) Subject to section 25*a* and subsection 2 of section 35, where a proceeding before the Board is commenced by the filing of an application, the Board shall proceed by order.

1964, c. 74, s. 15, subs. 3, amended

3. Subsection 3 of section 15 of *The Ontario Energy Board Act, 1964* is amended by striking out "subsection 2 of section 6 of *The Energy Act, 1964*" in the third and fourth lines and inserting in lieu thereof "*The Energy Act, 1964* and any predecessor thereof", so that the subsection shall read as follows:

Hearing upon notice

(3) Subject to subsections 1 and 2 of this section, subsection 5 of section 19, subsection 2 of section 22, section 23 and subsection 2 of section 37 of this Act and to *The Energy Act, 1964* and any predecessor thereof, the Board shall not make any order or proceed in accordance with any reference or order in council under this or any other Act until it has held a hearing upon notice in such manner and to such persons as the Board directs.

4.—(1) Subsection 1*a* of section 19 of *The Ontario Energy Board Act, 1964*, as enacted by section 1 of *The Ontario Energy Board Amendment Act, 1965*, is repealed and the following substituted therefor: 1964, c. 74, s. 19, subs. 1*a* (1965, c. 83, s. 1), re-enacted

(1*a*) In approving or fixing rates and other charges under subsection 1, the Board shall determine a rate base for the transmitter, distributor or storage company, and shall determine whether the return on the rate base produced or to be produced by such rates and other charges is reasonable. Board to determine rate base

(2) Subsection 1*b* of the said section 19, as enacted by section 1 of *The Ontario Energy Board Amendment Act, 1965*, is repealed and the following substituted therefor: 1964, c. 74, s. 19, subs. 1*b* (1965, c. 83, s. 1), re-enacted

(1*b*) The rate base to be determined by the Board under subsection 1*a* shall be the total of, Formula for determining rate base

(*a*) a reasonable allowance for the cost of the property that is used or useful in serving the public, less an amount deemed adequate by the Board for depreciation, amortization and depletion;

(*b*) a reasonable allowance for working capital; and

(*c*) such other amounts as, in the opinion of the Board, ought to be included.

(1*c*) In determining the reasonable allowance for the cost of the property under clause *a* of subsection 1*b*, the Board shall ascertain the actual cost of the property to the present owner, but Idem, cost of property

(*a*) where the actual cost to the present owner of any of the property cannot be ascertained, the Board shall determine a reasonable allowance to be included in the rate base for the cost of that property; and

(*b*) where in the opinion of the Board the actual cost to the present owner of any of the property is more than a reasonable allowance for inclusion in the rate base for the cost of that property, the Board shall determine a reasonable allowance to be included in the rate base for the cost of that property.

(1*d*) In considering whether the actual cost mentioned in subsection 1*c* exceeds a reasonable allowance for inclusion in the rate base and in determining the Idem

appropriate

appropriate deductions to be made in respect of any such excess, the Board may consider all matters it deems relevant, including the public benefit resulting from the acquisition of the property, whether the acquisition at the price paid was prudent in the circumstances existing at the time and, where the property was acquired as an operating system or part thereof, the allowance made for its cost in the rate base of the former owner or, if no such rate base had been determined that included an allowance for the cost thereof, the allowance that would have been made therefor in a rate base for the former owner determined in accordance with this section.

Findings of fact

(1*e*) Findings of fact on which determinations are made by the Board under subsections 1*a*, 1*b*, 1*c* and 1*d* shall be based on the evidence adduced at the hearing.

1964, c. 74, s. 21, subss. 3, 4, re-enacted; subss. 5-8, repealed

5. Subsections 3, 4, 5, 6, 7 and 8 of section 21 of *The Ontario Energy Board Act, 1964* are repealed and the following substituted therefor:

Determination of amount of compensation

(3) No action or other proceeding lies in respect of compensation payable under this section and, failing agreement, the amount thereof shall be determined by the Board.

Appeal 1968-69, c. 36

(4) An appeal within the meaning of section 32 of *The Expropriations Act, 1968-69* lies from a determination of the Board under subsection 3 to the Court of Appeal, in which case that section applies and section 32 of this Act does not apply.

1964, c. 74, s. 23, amended

6. Section 23 of *The Ontario Energy Board Act, 1964* is amended by adding thereto the following subsection:

Copy of report to be sent to parties

(2) The Board shall send to each of the parties a copy of its report to the Minister made pursuant to subsection 1 within ten days after submitting it to the Minister and such report shall be deemed to be a decision of the Board within the meaning of section 33.

1964, c. 74, amended

7. *The Ontario Energy Board Act, 1964* is amended by adding thereto the following section:

Disposition of gas systems and acquisition of share control

25*a*.—(1) No gas transmitter, gas distributor or storage company, without first obtaining the leave of the Lieutenant Governor in Council, shall,

(*a*) sell, lease, convey or otherwise dispose of its gas transmission, gas distribution or gas storage system, or any part thereof that is used or useful in serving the public, as an entirety or substantially as an entirety;

(*b*) amalgamate with any other company; or

(*c*) acquire such number of any class of shares that, together with shares already held by the gas transmitter, gas distributor or storage company and its associates will in the aggregate exceed 20 per cent of the shares outstanding of that class of a gas transmitter, gas distributor or storage company.

Mortgages (2) Subsection 1 does not apply to a mortgage or charge to secure any loan or indebtedness or to secure any bond, debenture or other evidence of indebtedness.

Public hearing (3) An application for leave under subsection 1 shall be made to the Board, which shall hold a public hearing and submit its report and opinion to the Lieutenant Governor in Council.

8. Subsection 2 of section 39 of *The Ontario Energy Board Act, 1964* is amended by inserting after "Agriculture" in the third line "and Food". 1964, c. 74, s. 39, subs. 2, amended

9. Subsection 4 of section 40 of *The Ontario Energy Board Act, 1964* is repealed. 1964, c. 74, s. 40, subs. 4, repealed

10.—(1) Section 41 of *The Ontario Energy Board Act, 1964* is repealed and the following substituted therefor: 1964, c. 74, s. 41, re-enacted

Determination of compensation 1968-69, c. 36 41. Where compensation for damages is provided for in this Part and is not agreed upon, the procedures set out in clauses *a* and *b* of section 26 of *The Expropriations Act, 1968-69* apply to the determination of such compensation, and such compensation shall be determined under section 27 of that Act or by the Land Compensation Board established under section 28 of that Act.

Transitional provision 1962-63, c. 43 (2) Where, under the authority of section 40 of *The Ontario Energy Board Act, 1964*, a person has expropriated land under *The Expropriation Procedures Act, 1962-63* and at the time this section comes into force the compensation has not been finally determined or agreed upon,

1964, c. 74, s. 41.

(*a*) if the compensation is in appeal under section 41 of *The Ontario Energy Board Act, 1964* as it existed before this section comes into force, the said section 41 continues to apply thereto; or

1968-69, c. 36

(*b*) if the compensation remains to be determined otherwise than under clause *a*, it shall be determined under *The Expropriations Act, 1968-69* as if the plan were registered under that Act, but where a hearing has already been held by the board of negotiation, sections 26 and 27 of *The Expropriations Act, 1968-69* do not apply, except that if the negotiation proceedings did not result in settlement of the compensation, then the procedures of subsection 6 of section 27 of that Act apply to that determination of such compensation.

Commencement

11.—(1) This Act, except section 7, comes into force on the day it receives Royal Assent.

Idem

(2) Section 7 shall be deemed to have come into force on the 22nd day of October, 1969.

Short title

12. This Act may be cited as *The Ontario Energy Board Amendment Act, 1968-69*.

CHAPTER 82

An Act to amend The Ontario Heritage Foundation Act, 1967

Assented to June 9th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 7 of *The Ontario Heritage Foundation Act, 1967* is amended by striking out "and architectural" in the third line and inserting in lieu thereof "architectural, recreational, aesthetic or scenic", so that the clause shall read as follows: 1967, c. 65, s. 7, cl. *a*, amended

(*a*) to receive, acquire by purchase, donation or lease, hold, preserve, maintain, reconstruct, restore and manage property of historical, architectural, recreational, aesthetic or scenic interest for the use, enjoyment and benefit of the people of Ontario.

(2) Clause *b* of the said section 7 is repealed and the following substituted therefor: 1967, c. 65, s. 7, cl. *b*, re-enacted

(*b*) to support and contribute to the acquisition, holding, preservation, maintenance, reconstruction, restoration and management of property of historical, architectural, recreational, aesthetic or scenic interest by municipalities or organizations for the use, enjoyment and benefit of the people of Ontario; and

. . . . .

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Ontario Heritage Foundation Amendment Act, 1968-69*. Short title

CHAPTER

CHAPTER 83

An Act to amend The Ontario Human Rights Code, 1961-62

Assented to June 18th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 4 of section 4 of *The Ontario Human Rights Code, 1961-62* is amended by adding at the end thereof "where in any such case race, colour, creed, nationality, ancestry or place of origin is a reasonable occupational qualification", so that the clause shall read as follows: 1961-62, c. 93, s. 4, subs. 4, cl. *b*, amended

(*b*) to an exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit or to any organization that is operated primarily to foster the welfare of a religious or ethnic group and that is not operated for private profit, where in any such case race, colour, creed, nationality, ancestry or place of origin is a reasonable occupational qualification.

2. *The Ontario Human Rights Code, 1961-62* is amended by adding thereto the following section: 1961-62, c. 93, amended

5. No person shall, Discrimination, etc., prohibited for taking part in proceeding under Act

(*a*) refuse to employ or continue to employ any person;

(*b*) threaten to dismiss or threaten to penalize in any other way any person in regard to his employment or any term or condition thereof;

(*c*) discriminate against any person in regard to his employment or any term or condition thereof; or

(*d*)

(*d*) intimidate or coerce or impose any pecuniary or other penalty upon any person,

on the ground that such person,

(*e*) has made or may make a complaint under this Act;

(*f*) has made or may make a disclosure concerning the matter complained of;

(*g*) has testified or may testify in a proceeding under this Act; or

(*h*) has participated or may participate in any other way in a proceeding under this Act.

1961-62, c. 93, s. 14, subs. 1, cl. *a*, amended

3.—(1) Clause *a* of subsection 1 of section 14 of *The Ontario Human Rights Code, 1961-62* is amended by striking out "$100" and inserting in lieu thereof "$500".

1961-62, c. 93, s. 14, subs. 1, cl. *b*, amended

(2) Clause *b* of subsection 1 of the said section 14 is amended by striking out "$500" in the third line and inserting in lieu thereof "$2,000".

1961-62, c. 93, s. 14, subs. 2, repealed

(3) Subsection 2 of the said section 14 is repealed.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1968-69*.

CHAPTER

CHAPTER 84

An Act to amend The Ontario Hurricane Relief Fund Act, 1955

Assented to December 20th, 1968
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2*a* of section 1 of *The Ontario Hurricane Relief Fund Act, 1955*, as enacted by section 1 of *The Ontario Hurricane Relief Fund Amendment Act, 1964*, is repealed and the following substituted therefor: 1955, c. 55, s. 1, subs. 2*a* (1964, c. 77, s. 1), re-enacted

(2*a*) Notwithstanding subsection 2 and the agreement entered into thereunder, the amount of assistance and relief for dependent widows and children, effective from the 1st day of August, 1968, shall be in such amounts and subject to such terms, conditions and limitations as are provided by section 37 of *The Workmen's Compensation Act*, as amended by section 7 of *The Workmen's Compensation Amendment Act, 1968*. Dependent widows and children R.S.O. 1960, c. 437 1968, c. 143

2. This Act shall be deemed to have come into force on the 1st day of August, 1968. Commencement

3. This Act may be cited as *The Ontario Hurricane Relief Fund Amendment Act, 1968-69*. Short title

CHAPTER 85

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

Assented to June 27th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Loans up to $425,000,000

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* R.S.O. 1960 c. 142 for the purpose of such payment, shall not exceed in the aggregate $425,000,000.

Idem

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

Idem

2. Any such sum or sums may be raised in any manner provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

3.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Loan Act, 1968-69*.

CHAPTER 86

An Act to amend The Ontario Municipal Board Act

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ontario Municipal Board Act* is amended by adding thereto the following section: R.S.O. 1960, c. 274, amended

12*a*. Where the number of members of the Board attending at the hearing of an application is more than two, the number shall be uneven, and the decision of the majority of such members constitutes the decision of the Board. Where more than two members attend hearing

2. Subsection 5 of section 64 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 274, s. 64, subs. 5, re-enacted

(5) Notwithstanding section 1, "municipality" in this section and in section 65 includes a public school board, high school board and a board of education and includes only such other local boards that may apply to the council in order that moneys necessary for any purpose mentioned in this section be provided by the issue of debentures of the corporation of the municipality. Interpretation

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1968-69*. Short title

CHAPTER 87

An Act to amend The Ontario Producers, Processors, Distributors and Consumers Food Council Act, 1962-63

Assented to May 8th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 2 of *The Ontario Producers, Processors, Distributors and Consumers Food Council Act, 1962-63*, is amended by inserting after "such" in the first line "remuneration and", so that the subsection shall read as follows: 1962-63, c. 94, s. 2, subs. 6, amended

(6) The members of the Food Council shall receive such remuneration and expenses as the Lieutenant Governor in Council determines. Remuneration and expenses

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Ontario Producers, Processors, Distributors and Consumers Food Council Amendment Act, 1968-69*. Short title

CHAPTER 88

An Act to amend The Ontario School Trustees' Council Act

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 2 of subsection 1 of section 3 of *The Ontario School Trustees' Council Act*, as re-enacted by subsection 1 of section 1 of *The Ontario School Trustees' Council Amendment Act, 1968*, is amended by striking out "Commissaires" in the first line and inserting in lieu thereof "Commissions", so that the paragraph shall read as follows: R.S.O. 1960, c. 278, s. 3, subs. 1 (1968, c. 90, s. 1, subs. 1), par. 2, amended

2. L'Association des Commissions des Ecoles Bilingues d'Ontario.

(2) Subsection 3 of the said section 3 is repealed and the following substituted therefor: R.S.O. 1960, c. 278, s. 3, subs. 3, re-enacted

(3) The members and alternate representatives shall hold office until the effective date of the appointment of their successors. Term of office

(3) Subsection 4 of the said section 3 is repealed and the following substituted therefor: R.S.O. 1960, c. 278, s. 3, subs. 4, re-enacted

(4) Each member association may appoint alternate representatives to the maximum of the number of representatives appointed by it and, when a representative of an association is unable to attend a meeting of the Council or a meeting of a committee of the Council to which he has been appointed, his place may be taken by an alternate representative selected in the order of priority indicated by the association, and such alternate representative has, at the meeting, all the powers and duties of the representative whose place he is taking. Alternate representatives

R.S.O. 1960, c. 278, s. 8, re-enacted

2. Section 8 of *The Ontario School Trustees' Council Act* is repealed and the following substituted therefor:

Executive

8. There shall be an Executive consisting of the immediate past chairman, the chairman, the vice-chairman, the secretary and the treasurer or the secretary-treasurer, and such additional members as the Council may from time to time determine.

R.S.O. 1960, c. 278, s. 10, re-enacted

3. Section 10 of *The Ontario School Trustees' Council Act* is repealed and the following substituted therefor:

By-laws

10. The Council may from time to time pass such by-laws as may be deemed necessary for carrying out the objects of the Council.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ontario School Trustees' Council Amendment Act, 1968-69.*

CHAPTER 89

An Act to amend The Ontario Society for the Prevention of Cruelty to Animals Act, 1955

Assented to December 17th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* is repealed and the following substituted therefor: 1955, c. 58, s. 1, re-enacted

1. In this Act, Interpretation

(*a*) "animal" includes a domestic fowl or a bird that is kept as a pet;

(*b*) "Board" means the Animal Care Review Board;

(*c*) "distress" means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect;

(*d*) "veterinarian" means a person registered under *The Veterinarians Act*. R.S.O. 1960, c. 416

2. Sections 12, 13 and 14 of *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* are repealed and the following substituted therefor: 1955, c. 58, ss. 12-14, re-enacted

12.—(1) Where a justice of the peace is satisfied by information on oath in Form 1 that there are reasonable grounds for believing that there is in any building or place, other than a public place, an animal that is in distress, he may at any time issue a warrant in Form 2 under his hand authorizing an inspector or an agent of the Society named therein to enter therein either by himself or accompanied Search warrant

by

by a veterinarian and inspect the building or place and all animals found therein for the purpose of ascertaining whether there is therein any animal in distress.

Entry without warrant

(2) Where an inspector or agent of the Society observes an animal in immediate distress, he may enter, without warrant, any premises, building or place other than a dwelling place either by himself or accompanied by a veterinarian for the purposes of subsections 3 and 5 and sections 13 and 14.

Authority of veterinarian to inspect animals

(3) A veterinarian who has entered a building or place with an inspector or an agent of the Society may examine any animal in the building or place for the purpose of ascertaining whether the animal is in distress.

When warrant to be executed

(4) Every warrant issued under subsection 1 shall be executed between sunrise and sunset unless the justice by the warrant authorizes the inspector or an agent of the Society to execute it at night.

Authority to supply necessaries to animals

(5) Where an inspector or an agent of the Society has entered any building or place pursuant to this Act and finds therein an animal in distress he may, in addition to any other action he is authorized to take under this Act, supply the animal with food, care or treatment.

Order to owner of animals, etc.

13.—(1) Where an inspector or an agent of the Society has reasonable grounds for believing that an animal is in distress and the owner or custodian of the animal is present or may be found promptly, the inspector or agent may order the owner or custodian to,

(*a*) take such action as may, in the opinion of the inspector or agent, be necessary to relieve the animal of its distress; or

(*b*) have the animal examined and treated by a veterinarian at the expense of the owner or custodian.

Order to be in writing

(2) Every order under subsection 1 shall be in writing and shall have printed or written thereon the provisions of subsections 1 and 2 of section 14*c*.

Service of order

(3) Every order under subsection 1 shall be served upon the owner or custodian personally or by registered mail addressed to the owner or custodian at his last known place of address.

(4) Where an inspector or an agent of the Society makes an order under subsection 1, he shall specify in the order the time within which any action required by the order shall be performed. Time for compliance with order

(5) Every person who is served with an order under subsection 3 shall comply with the order in accordance with its terms until such time as it may be modified, confirmed or revoked and shall thereafter comply with the order as modified or confirmed. Idem

(6) Where an order made under subsection 1 remains in force, an inspector or an agent of the Society may, for the purpose of determining whether the order has been complied with, enter without a warrant any building or place in which the animal is located and inspect the animal and the building or place where the animal is kept and, if, in his opinion, the order has been complied with, he shall revoke the order by notice in writing served forthwith upon the owner or custodian in the manner prescribed for service of an order in subsection 3. Authority to enter building or place, etc.

14.—(1) An inspector or an agent of the Society may remove an animal from the building or place where it is and take possession thereof on behalf of the Society for the purpose of providing it with food, care or treatment to relieve its distress where, Taking possession of animal

(a) a veterinarian has examined the animal and has advised the inspector or agent in writing that the health and well-being of the animal necessitates its removal;

(b) the inspector or agent has inspected the animal and has reasonable grounds for believing that the animal is in distress and the owner or custodian of the animal is not present and cannot be found promptly; or

(c) an order respecting the animal has been made under section 13 and the order has not been complied with.

(2) An inspector or an agent of the Society may destroy an animal, Destruction of animal

(a) with the consent of the owner; or

(b)

(*b*) where a veterinarian has examined the animal and has advised the inspector or agent in writing that the animal is ill or injured and, in his opinion, is incapable of being so cured or healed as to live thereafter without suffering.

Notice

(3) Where an inspector or an agent of the Society has removed or destroyed an animal under subsection 1 he shall forthwith notify the owner or custodian of the animal, if known, of his action by notice in writing served upon the owner or custodian in the manner prescribed for service of an order in subsection 3 of section 13.

Liability of owner for expenses

14*a*.—(1) Where an inspector or an agent of the Society has provided an animal with food, care or treatment, the Society may serve upon the owner or custodian of the animal a statement of account respecting the food, care or treatment by mailing the same by registered mail to the owner or custodian at his last known place of address and the owner or custodian is, subject to subsection 6 of section 14*c*, thereupon liable for the amount specified in the statement of account.

Power to sell

(2) Where the owner or custodian refuses to pay an account for which he is liable under subsection 1 within five days after service of the statement of account or where the owner or custodian, after reasonable inquiry, cannot be found, the Society may sell or dispose of the animal and reimburse itself out of the proceeds, holding the balance in trust for the owner or other person entitled thereto.

Board established

14*b*.—(1) A board to be known as the Animal Care Review Board is hereby established and shall consist of not fewer than three persons who shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure.

Chairman, vice-chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(3) A majority of the members of the Board constitutes a quorum.

Remuneration of members

(4) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

14*c*.—(1) Where the owner or custodian of any animal deems himself aggrieved by an order made under subsection 1 of section 13 or by the removal of an animal under subsection 1 of section 14, he may, within five days of receiving notice of the order or removal, appeal against the order or request the return of the animal by notice in writing to the chairman of the Board. Appeal to Board

(2) Where, in the opinion of the owner or custodian of an animal in respect of which an order has been made, the animal has ceased to be in distress, the owner or custodian may apply to the Board to have the order revoked by notice in writing to the chairman of the Board. Application for revocation of order

(3) Within five days of the receipt of a notice under subsection 1 or 2, the chairman of the Board shall, Notice of hearing

(*a*) fix a time, date and place at which the Board will hear the matter; and

(*b*) notify the Society and the person who issued the notice of the time, date and place fixed under clause *a* either personally or by registered mail addressed to the Society at its head office and to the person who issued the notice at his last known place of address.

(4) The date fixed for a hearing shall be not more than ten days after the receipt of a notice under subsection 1 or 2. Date of hearing

(5) At a hearing, the Society and the owner or custodian are entitled to hear the evidence, cross-examine, call witnesses, present argument and be represented by counsel or an agent. Procedure at hearing

(6) After a hearing or, with the consent of the Society and the person who issued the notice under subsection 1 or 2, without a hearing, the Board may, Powers of Board

(*a*) respecting an order made under subsection 1 of section 13, confirm, revoke or modify the order appealed against;

(*b*) respecting the removal of an animal under subsection 1 of section 14, order that the animal be returned to the owner or custodian and may make an order in the same terms as an order may be made under subsection 1 of section 13; or

(*c*) order that the whole or any part of the cost of complying with an order or providing food, care or treatment to an animal be paid by the Society.

Notice of decision

(7) Notice of the decision of the Board made under subsection 6, together with reasons in writing for its decision, shall be served forthwith upon the Society and the owner or custodian in the manner prescribed for service of a notice in subsection 3.

Appeal

14*d*—(1) The Society or the owner or custodian may appeal the decision of the Board to a judge of the county or district court of the county or district in which the animal was at the time the order or seizure was made.

Notice of appeal

(2) The appeal shall be made by filing a notice of appeal with the clerk of the court and serving a copy thereof on the other parties before the Board within fifteen days after the notice of the Board's decision is served on the appellant under subsection 7 of section 14*c*.

Date of hearing

(3) The appellant or any person served with notice of appeal may, upon at least two days notice to each of the other parties, apply to the judge to fix a date for the hearing of the appeal.

Decision

(4) The appeal shall be a hearing *de novo* and the judge may rescind, alter or confirm the decision of the Board and make such order as to costs as he considers appropriate, and the decision of the judge is final.

Inspector, etc., not personally liable

14*e*. No inspector or agent of the Society and no veterinarian or member of the Board is personally liable for anything done by him in good faith under or purporting to be under the authority of this Act.

1955, c. 58, amended

3. *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* is amended by adding thereto the following forms:

FORM

FORM 1

The Ontario Society for the Prevention of Cruelty to Animals Act, 1955

(*Section 12 (1)*)

INFORMATION TO OBTAIN A WARRANT

Province of Ontario
County of

The information of....., of.....

in the County (*or* District, etc.) of.....taken the

.....day of.....in the year.....,

before me, ... a Justice of the Peace for

the County (*or* District, etc.) of.....who

says that he has reasonable grounds for believing that there is an

animal in distress on the premises of.....

of.....in the County (*or* District, etc.) of.....

.....

(*here add the grounds for belief, whatever they may be*).

Wherefore (he) prays that a warrant may be granted to him

(*and to.....a veterinarian of the.....*

of.....in the County (or District, etc.) of.....)

to inspect the premises of the said.....

and all animals found therein for the purpose of ascertaining

whether there is therein any animal in distress.

Sworn, etc.

.....
J.P. for (*Name of County or District*)

FORM 2

The Ontario Society for the Prevention of Cruelty to Animals Act, 1955

(*Section 12 (1)*)

WARRANT

Province of Ontario
County of

To....., an inspector or an agent of The Ontario Society for the Prevention of Cruelty to Animals (*and to*....., *a veterinarian of the*.....*of*..... *in the County* (*or District, etc.*) *of*.....)

Whereas it appears on the oath of..... of the.....of.....in the County (*or* District, etc.) of.....that there are reasonable grounds for believing that there is an animal in distress on the premises of.....of the..... in the County (*or* District, etc.) of.....

This is therefore to authorize you to enter between the hours of (*as the Justice directs*) into the said premises and to inspect the premises and all animals found therein for the purpose of ascertaining whether there is therein any animal in distress.

Dated at....., in the said County (*or* District, etc.) of.....this.....day of....., in the year.....

.....
J. P. for (*Name of County or District*)

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ontario Society for the Prevention of Cruelty to Animals Amendment Act, 1968-69*.

CHAPTER 90

An Act respecting Scholarships for Osgoode Hall Law School of York University

Assented to December 17th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Law Society" means The Law Society of Upper Canada;

(*b*) "Osgoode-York" means the faculty of law of York University presently known as the Osgoode Hall Law School of York University and as it is known from time to time;

(*c*) "Senate" means the Senate of York University;

(*d*) "University" means York University.

William Bruce Henderson Scholarship

2. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the bequest to the Law Society made by the late William Bruce Henderson, and the University shall hold and invest such property and apply the income therefrom in awarding bursaries or scholarships to students at Osgoode-York in such manner as the Senate may from time to time determine, with suitable recognition to the late William Bruce Henderson.

Van Koughnet Scholarship

3. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the donation made to the Law Society by Lady Jane Van Koughnet, on behalf of herself and Captain Edmund Barker Van Koughnet, to found a scholarship or scholarships in memory of The Honourable Philip Michael Mathew Scott Van Koughnet, a former Chancellor of Upper Canada and of Ontario, and the University shall hold and invest such property and apply the income

therefrom

therefrom in awarding an annual scholarship, to be known as the Chancellor Van Koughnet Scholarship, to such student at Osgoode-York who shall achieve the highest academic standing in the graduating class.

Christopher Robinson Memorial Scholarship

4. The University is hereby appointed trustee in the place of the Canada Permanent Trust Company, and the Law Society with respect to the property that is subject to the provisions of the gifts made by members of the Bench and Bar of the Province of Ontario to perpetuate the memory of the late Christopher Robinson, and the University shall hold and invest such property and apply the income therefrom in awarding a scholarship, to be known as the Christopher Robinson Memorial Scholarship, to a student at Osgoode-York in such manner as the Senate may from time to time determine.

Clara Brett Martin Memorial Scholarship

5. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the gifts made to the Law Society by members of The Women's Law Association of Ontario to establish a prize or scholarship, to be known as the Clara Brett Martin Memorial Scholarship, and the University shall hold and invest such property and apply the income therefrom in awarding a scholarship, to be known as The Clara Brett Martin Memorial Scholarship, to that student at Osgoode-York who attains the highest standing in the estate planning course or in the course of study which from time to time in the opinion of the Senate is most closely associated with the subject of estate planning.

Matthew Wilson Scholarship

6. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the bequest to the Law Society made by the late Matthew Wilson, and the University shall hold and invest such property and apply the income therefrom in awarding an annual scholarship, to be known as the Matthew Wilson Scholarship, to a member of the graduating class of Osgoode-York on such basis as the Senate may from time to time determine.

Bernard and Faye Weinberg Bursary

7. The University is hereby appointed trustee in the place of The Law Society Foundation with respect to the property that is subject to the provisions of the donation made to The Law Society Foundation by Bernard Weinberg, and the University shall hold and invest such property and disburse the income therefrom and the capital thereof at the rate of $200 annually in awarding a bursary, to be known as the Bernard and Faye Weinberg Bursary, to a student in the second or a subsequent year at Osgoode-York who has proved scholastic ability and who may experience financial

difficulty

difficulty in continuing the course at Osgoode-York, the decision as to worth and need to be in the discretion of the Senate.

Honourable Wallace Nesbitt Memorial

8. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the donation made to the Law Society by The Honourable Wallace Nesbitt, and the University shall hold and invest such property and apply the income therefrom for the improvement of legal education at Osgoode-York, the encouragement of legal research or the awarding of bursaries or scholarships to students at Osgoode-York, as a memorial to The Honourable Wallace Nesbitt, in such manner as the Senate may from time to time determine.

Osgoode Hall C.O.T.C. World War Memorial Prize

9. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the trust for the establishment of a prize, bursary or scholarship, to be known as the Osgoode Hall C.O.T.C. World War Memorial Prize, and the University shall hold and invest such property and apply the income therefrom in awarding prizes, bursaries or scholarships, to be known as the Osgoode Hall C.O.T.C. World War Memorial Prize, for the benefit of students at Osgoode-York in such manner as the Senate may from time to time determine, such awards to be made so far as practicable to those students who have served on active service or are sons or daughters of members of the Law Society who have served on active service, and within such classes preference shall be given to those students who, at the time of the awards, are actively identified with any unit of the armed forces of Canada.

Harry R. Rose Criminal Law Prize

10. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the bequest to the Law Society made by the late Harry R. Rose, and the University shall hold and invest such property and apply the income therefrom in awarding an annual scholarship, to be known as the Harry R. Rose Criminal Law Prize, to the student at Osgoode-York who attains the highest standing in the criminal law course or in the course of study which from time to time in the opinion of the Senate is most closely associated with the subject of criminal law.

George M. Miller Prize

11. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the gift made to the Law Society by George M. Miller, Q.C., and the University shall hold and invest such property and apply the income therefrom in awarding a prize, to be known as the George M. Miller Prize, to that student in the final year at Osgoode-York who, of

those

those students who were born in or who during each of the three years next preceding the last of the final year examinations have had their principal residence in Northern Ontario or whose parents or guardians have during each of such years had their principal residence in Northern Ontario, passes the final year examinations at Osgoode-York with the highest academic standing and, for the purposes of this section, Northern Ontario comprises that part of the Province of Ontario lying north and west of a line drawn through the towns of Mattawa and Parry Sound and includes such towns, but excludes any area having a more southerly latitude than Parry Sound, and all questions as to eligibility or the awarding of such prize shall be determined by the Senate or in such manner as the Senate may from time to time prescribe, and if for any reason no prize is awarded in any year, a second prize may be awarded in the following or a subsequent year as determined by the Senate.

Robert James McLaughlin Bursary

12. The University is hereby appointed trustee in the place of the Law Society with respect to one-half of the property that is subject to the provisions of the bequest to the Law Society made by the late William Webster McLaughlin, and the University shall hold and invest such property and apply the income therefrom in memory of the late Robert James McLaughlin in awarding bursaries to worthy students at Osgoode-York or otherwise for educational purposes at Osgoode-York in such manner as the Senate may from time to time determine.

Norman Di Lella Memorial Bursary

13. The University is hereby appointed trustee in the place of The Law Society Foundation with respect to the property that is subject to the provisions of the gifts made to The Law Society Foundation to perpetuate the memory of the late Norman Di Lella, and the University shall hold and invest such property and apply the income therefrom in awarding an annual bursary to a worthy student at Osgoode-York in memory of the late Norman Di Lella in such manner as the Senate may from time to time determine.

Gerald J. Pickering Memorial Bursary

14. The University is hereby appointed trustee in the place of The Law Society Foundation with respect to the property that is subject to the provisions of the gifts made to The Law Society Foundation to perpetuate the memory of the late Gerald J. Pickering, and the University shall hold and invest such property and apply the income therefrom in awarding an annual bursary, to be known as the Gerald J. Pickering Memorial Bursary, to a worthy student at Osgoode-York, preferably one who has formerly attended McMaster University, in such manner as the Senate may from time to time determine.

Honourable F. H. Barlow Scholarship

15. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the bequest to the Law Society made by the late Marjorie Forsyth Barlow to establish a scholarship in memory of her husband the late Honourable Mr. Justice F. H. Barlow, and the University shall hold and invest such property and apply the income therefrom in awarding an annual scholarship to the male student ranking highest at Osgoode-York in Commercial Law or some subject or subjects thereof, such as Company Law, to be determined from time to time by the Senate, the said scholarship to be known as The Honourable Mr. Justice F. H. Barlow Scholarship in Commercial Law (or in the said subject or subjects thereof, as the case may be) and should more than one male student in any year tie for the said scholarship in any year, it shall be awarded to that one, who, in the opinion of the Senate, would benefit most from receiving it.

Honourable N.W. Rowell Scholarship

16. The University is hereby appointed trustee in the place of the Law Society with respect to the property that is subject to the provisions of the bequest made to the Law Society by the late Chief Justice Newton W. Rowell and the University shall hold and invest such property and apply the income therefrom in awarding a scholarship at Osgoode-York in the subject of International Law in such manner as the Senate may from time to time determine.

Transfer of property

17. The Law Society and other persons or corporations holding the property subject to the provisions of the gifts, donations, trusts, bequests, devises and grants referred to in sections 2 to 16 shall, forthwith after this Act comes into force, transfer and convey such property, together with all rights relating thereto, to the University.

Commencement

18. This Act comes into force on the day it receives Royal Assent.

Short title

19. This Act may be cited as *The Osgoode Hall Law School Scholarships Act, 1968-69*.

CHAPTER 91

An Act to amend The Partnerships Registration Act

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Partnerships Registration Act* is amended by adding thereto the following sections: R.S.O. 1960, c.289, amended

CENTRAL REGISTRY

16. Notwithstanding anything in this Act or in *The Limited Partnerships Act*, the Lieutenant Governor in Council may make regulations providing for the establishment of a central registry of all declarations, certificates and records under this Act and under *The Limited Partnerships Act* and may in the regulations make provision, Central registry R.S.O. 1960, c. 215

(*a*) for the filing in the central registry of declarations under this Act and certificates under *The Limited Partnerships Act* in respect of any registry division;

(*b*) respecting the books and records to be kept in the central registry;

(*c*) requiring the payment of fees to the Registrar of Partnerships upon the performance of any official function under this Act;

(*d*) prescribing forms and providing for their use;

(*e*) providing for the microfilming of declarations and certificates filed in the central registry;

(*f*) governing the custody and destruction of declarations and certificates filed in the central registry.

Registrar of Partnerships

17.—(1) There shall be a Registrar of Partnerships who, subject to subsection 2, shall be appointed by the Lieutenant Governor in Council.

Idem

(2) Until such time as a Registrar of Partnerships is appointed under subsection 1, the registrar for the registry division of Toronto is *ex officio* the Registrar of Partnerships and shall act under the direction of the Inspector of Legal Offices.

Deputies

(3) The Registrar of Partnerships may designate one or more persons on the staff of his office to act on his behalf.

Functions

(4) It shall be the function of the Registrar of Partnerships to supervise the operation of the central registry and the centralization of records under this Act.

Seal

(5) The Registrar of Partnerships shall have a seal of office in such form as the Lieutenant Governor in Council approves.

Location of central registry

18. The central registry may be located in such place as the Lieutenant Governor in Council orders and until such an order is made shall be operated in conjunction with the registry office for the registry division of Toronto.

Commencement

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

3. This Act may be cited as *The Partnerships Registration Amendment Act, 1968-69*.

CHAPTER 92

An Act to amend The Pension Benefits Act, 1965

Assented to May 8th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 21 of *The Pension Benefits Act, 1965* is amended by adding thereto the following clause: 1965, c. 96, s. 21, subs. 2, amended

(*c*) an employee shall not withdraw any part of his contributions, not including voluntary additional contributions, paid under the plan in respect of service in Ontario or in a designated province on or after the qualification date, other than after,

(i) the termination of his employment, or

(ii) the termination or winding up of the plan,

prior to his attaining retirement age and in circumstances where he is not entitled to a deferred life annuity under subsection 1.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Pension Benefits Amendment Act, 1968-69*. Short title

CHAPTER 93

An Act to amend The Pesticides Act, 1967

Assented to May 8th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *g* of section 1 of *The Pesticides Act, 1967* is amended by inserting after "destruction" in the first line "prevention", and by adding at the end thereof "but does not include the destruction, prevention or control of termites", so that the clause shall read as follows: 1967, c. 74, s. 1, cl. *g*, amended

(*g*) "land extermination" means the destruction, prevention or control on or over land of insects, vermin, birds, rodents or other pests, fungi or vegetation by the use of any toxic or noxious substance but does not include the destruction, prevention or control of termites.

(2) Clause *l* of the said section 1 is amended by inserting after "destruction" in the first line "prevention", and by adding at the end thereof "and includes the destruction, prevention or control of termites", so that the clause shall read as follows: 1967, c. 74, s. 1, cl. *l*, amended

(*l*) "structural extermination" means the destruction, prevention or control in, on or adjacent to a building or vehicle, of insects, vermin, birds, rodents or other pests or fungi, by the use of any toxic or noxious substance and includes the destruction, prevention or control of termites.

2. Section 5 of *The Pesticides Act, 1967* is amended by adding thereto the following subsection: 1967, c. 74, s. 5, amended

(5) No member of the Board or officer of the Board is personally liable for anything done by him in good faith under, or purporting to be under, the authority of this Act or the regulations. Personal liability

3.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Pesticides Amendment Act, 1968-69*.

CHAPTER 94

An Act to amend The Pharmacy Act

Assented to May 8th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

R.S.O. 1960, c. 295, s. 2, cl. *a*, repealed

1. Clause *a* of section 2 of *The Pharmacy Act* is repealed.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Pharmacy Amendment Act, 1968-69*.

CHAPTER 95

An Act to amend The Planning Act

Assented to June 27th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

R.S.O. 1960 c. 296, s. 4, subs. 4, repealed

1. Subsection 4 of section 4 of *The Planning Act* is repealed.

R.S.O. 1960, c. 296, s. 5, amended

2. Section 5 of *The Planning Act* is amended by striking out "any other provision in this Act" in the first line and inserting in lieu thereof "this or any other Act", so that the section shall read as follows:

Special provisions

5. Notwithstanding this or any other Act, the Minister may, in order to suit the special needs of any planning area, vary the constitution of the planning board, the procedures by which it is appointed, the term of office of its members, and the manner in which it is to function, and designate the functions of the planning board within the scope of section 10, and may make special provisions relating to the recommendation, adoption and approval of the official plan of the planning area.

R.S.O. 1960, c. 296, s. 26 (1960-61, c. 76, s. 1 subs. 1), subs. 1, amended

3.—(1) Subsection 1 of section 26 of *The Planning Act*, as re-enacted by subsection 1 of section 1 of *The Planning Amendment Act, 1960-61* and amended by subsection 2 of section 2 of *The Planning Amendment Act, 1966* and subsections 1 and 2 of section 2 of *The Planning Amendment Act, 1968*, is further amended by striking out "on any sale" in the fifth line, so that the subsection, exclusive of the clauses, shall read as follows:

Areas of subdivision control

(1) The council of a municipality may by by-law designate any area within the municipality as an area of subdivision control and thereafter no person shall convey land in the area by way of a deed or transfer, or mortgage or charge land in the area, or enter into an agreement of sale and purchase of

land

land in the area or enter into any agreement that has the effect of granting the use of or right in land in the area directly or by entitlement to renewal for a period of twenty-one years or more unless,

. . . . .

R.S.O. 1960, c. 296, s. 26 (1960-61, c. 76, s. 1, subs. 1), subs. 3, amended

(2) Subsection 3 of the said section 26, as amended by subsection 3 of section 2 of *The Planning Amendment Act, 1966* and subsection 3 of section 2 of *The Planning Amendment Act, 1968*, is further amended by striking out "on any sale" in the ninth line, so that the subsection, exclusive of the clauses, shall read as follows:

Part-lot control

(3) The council of a municipality may by by-law provide that this subsection applies to land in the municipality that is within a plan of subdivision registered before or after the passing of the by-law, or is within such registered plan or plans of subdivision, or part or parts thereof, as is or are designated in the by-law, and thereafter no person shall convey a part of any lot or block of the land by way of a deed or transfer, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless,

. . . . .

R.S.O. 1960, c. 296, s. 28, subs. 10 (1965, c. 98, s. 2, subs. 3), amended

4. Subsection 10 of section 28 of *The Planning Act*, as re-enacted by subsection 3 of section 2 of *The Planning Amendment Act, 1965*, is amended by inserting after "purposes" in the eleventh line "or, with the approval of the Minister, for the development or improvement of lands used or to be used for park purposes, including the erection or repair of buildings or other structures thereon", so that the subsection shall read as follows:

Special account

(10) All moneys received by the municipality under subsections 8 and 9*a* and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be held and used by the municipality

for

for park purposes or, with the approval of the Minister, for the acquisition of land to be held and used by the municipality for other public purposes or, with the approval of the Minister, for the development or improvement of lands used or to be used for park purposes, including the erection or repair of buildings or other structures thereon, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1960, c. 408

5. Section 30 of *The Planning Act* is amended by adding thereto the following subsection:

R.S.O. 1960, c. 296, s. 30, amended

Zoning by-laws may prohibit the use of land or the erection or use of buildings or structures according to the availability of municipal services

(3) A by-law heretofore or hereafter passed under paragraph 1 or 2 of subsection 1 or a predecessor of such paragraph may prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to service the land, buildings or structures, as the case may be.

Application

6. Where provisions authorized by subsection 3 of section 30 of *The Planning Act*, as enacted by section 5, are included in a by-law heretofore passed, such provisions do not affect the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force, or affect the outcome of any litigation or proceedings commenced on or before the 16th day of June, 1969.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Planning Amendment Act, 1968-69*.

CHAPTER

CHAPTER 96

An Act to amend The Police Act

Assented to June 27th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 22 of *The Police Act*, as enacted by section 3 of *The Police Amendment Act, 1968*, is amended by inserting after "member" in the second line "or senior officer", so that the subsection shall read as follows: R.S.O. 1960, c. 298, s. 22, subs. 2 (1968, c. 97, s. 3), amended

(2) Where a question arises as to whether or not any person is a member or senior officer of a police force for the purposes of any provision of this Act, the Commission shall, upon the application of any person affected and after a hearing, determine the question, and the decision of the Commission is final. Determination by Commission

2. *The Police Act* is amended by adding thereto the following section: R.S.O. 1960, c. 298, amended

27*a*.—(1) In this section, "senior officer" means a member of a police force of the rank of inspector or higher or a civilian employee employed in a supervisory or confidential capacity, but does not include a chief of police or deputy chief of police. Senior officer defined

(2) Where not fewer than 50 per cent of the senior officers of a police force are members of an association composed only of senior officers, section 27 applies and, Separate bargaining by senior officers

(*a*) where the police force has ten or more senior officers, section 28 applies; and

(*b*) where the police force has fewer than ten senior officers, section 29 applies,

to the senior officers of the police force and to the association in the same manner as to the members of the police force and their association.

(3)

Idem

(3) Where subsection 2 applies, the senior officers of the police force shall not be included as members of the police force for the purposes of sections 27, 28 and 29.

R.S.O. 1960, c. 298, s. 28, subs. 3, re-enacted

3. Subsection 3 of section 28 of *The Police Act*, as amended by subsection 1 of section 5 of *The Police Amendment Act, 1968*, is repealed and the following substituted therefor:

Failure to appoint chairman

(3) Where the two members of the board of arbitration appointed under subsections 1 and 2 fail, within five days of the appointment of the one last appointed, to appoint a third member, the Lieutenant Governor in Council may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member who shall not be a member of a board.

R.S.O. 1960, c. 298, s. 29, subs. 2, amended

4. Subsection 2 of section 29 of *The Police Act* is amended by striking out "Attorney General" in the third line and inserting in lieu thereof "Lieutenant Governor in Council" and by adding at the end thereof "who shall not be a member of a board", so that the subsection shall read as follows:

Failure to appoint arbitrator

(2) Where the parties fail to appoint an arbitrator within thirty days after receipt of the notice mentioned in subsection 1, the Lieutenant Governor in Council may, upon the written request of either of the parties, appoint the arbitrator who shall not be a member of a board.

R.S.O. 1960, c. 298, s. 32 (1968, c. 97, s. 7), subs. 1, re-enacted

5.—(1) Subsection 1 of section 32 of *The Police Act*, as re-enacted by section 7 of *The Police Amendment Act, 1968*, is repealed and the following substituted therefor:

Determination of disputes

(1) Where,

(*a*) a difference arises between the parties relating to the interpretation, application or administration of an agreement made under section 27, or of a decision or award of an arbitrator or board of arbitration made under section 28 or 29; or

(*b*) an allegation is made that the agreement or award has been violated,

either of the parties may, notwithstanding any grievance or arbitration procedure established by the agreement, notify the other party in writing of its desire to submit the difference or allegation to an

arbitrator

arbitrator and, if the recipient of the notice and the party desiring the arbitration do not within ten days agree upon a single arbitrator, the appointment of a single arbitrator shall be made by the Attorney General upon the request of either party, and the arbitrator shall commence to hear and determine the difference within thirty days after his appointment and shall issue a decision within a reasonable time thereafter, and such decision is final and binding upon the parties.

Costs

(1*a*) Each party to an arbitration under subsection 1 shall share equally the cost of the arbitration proceedings and the cost of the arbitrator.

R.S.O. 1960, c. 298, s. 32 (1968, c. 97, s. 7), subs. 2, amended

(2) Subsection 2 of the said section 32 is amended by striking out "Either of the parties or the Commission may" in the first line and inserting in lieu thereof "The arbitrator may and, at the request of either of the parties, shall", so that the subsection shall read as follows:

Enforcement

(2) The arbitrator may, and, at the request of either of the parties, shall, after the expiration of thirty days from the date of the delivery of the decision, or of the date provided in the decision for compliance, whichever is the later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, in the form prescribed by the regulations, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

R.S.O. 1960, c. 298, s. 33, subs. 1, amended

6. Subsection 1 of section 33 of *The Police Act*, as amended by section 9 of *The Police Amendment Act, 1966* and section 8 of *The Police Amendment Act, 1968*, is further amended by inserting after "or" in the fourth line "of the arbitrator under section", so that the subsection shall read as follows:

Effect of agreement or award

(1) Every agreement made under section 27 and every decision or award of a majority of the members of a board of arbitration under section 28 or of an arbitrator under section 29 or of the arbitrator under section 32 is binding upon the council of the municipality, the board, where there is a board, and the members of the police force, other than the chief of police and any deputy chief of police.

R.S.O. 1960, c. 298, s. 39*b* (1962-63, c. 106, s. 4) amended

7. Section 39*b* of *The Police Act*, as enacted by section 4 of *The Police Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

(2)

Equipment

(2) Subject to the approval of the Attorney General, the Commission may, by order, regulate or prohibit the use of any equipment by a police force in Ontario or its members.

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Police Amendment Act, 1968-69*.

CHAPTER 97

An Act to regulate Farms on which Pregnant Mares are kept for the Collection of Urine

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Board" means the P.M.U. Licence Review Board;

(*b*) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture and Food;

(*c*) "foal" means a young horse;

(*d*) "inspector" means an inspector appointed under this Act;

(*e*) "Minister" means the Minister of Agriculture and Food;

(*f*) "P.M.U. contractor" means a person who is not the operator of a P.M.U. farm and who, for consideration, enters into a contract respecting the sale of urine from pregnant mares;

(*g*) "P.M.U. farm" means premises on which pregnant mares are kept for the collection of urine;

(*h*) "regulations" means the regulations made under this Act;

(*i*) "veterinarian" means a person registered under *The Veterinarians Act*. R.S.O. 1960, c. 418

2.—(1) A board to be known as the "P.M.U. Licence Review Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom shall be members of the public P.M.U. Licence Review Board established

service

service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

Term of office

(2) No member of the Board shall hold office for more than five consecutive years.

Chairman and vice-chairman

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(4) A majority of the members of the Board constitutes a quorum.

Remuneration

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Licences

3.—(1) No person shall commence or continue to be the operator of a P.M.U. farm or a P.M.U. contractor without a licence therefor from the Director.

Requirements for licence

(2) No person shall be granted a licence as the operator of a P.M.U. farm unless he,

(*a*) is experienced in the proper care and handling of horses; and

(*b*) possesses all vehicles, tools, implements, building and dietary materials necessary to properly care for and handle horses on his premises.

Suspension or revocation of licence

(3) A licence may be suspended or revoked where,

(*a*) the licensee is the operator of a P.M.U. farm and has not properly maintained any of the facilities, equipment or materials referred to in clause *b* of subsection 2; or

(*b*) the licensee or any person employed by him or associated with him in connection with his operation as licensee has failed to observe or carry out the provisions of,

(i) this Act or the regulations, or

(ii) any other Act relating to cruelty, maltreatment or neglect of animals.

Issue of licence

4.—(1) Subject to section 12, the Director shall issue a licence as an operator of a P.M.U. farm to an applicant therefor unless, in his opinion, the applicant does not comply with clauses *a* and *b* of subsection 2 of section 3.

Idem

(2) Subject to section 12, the Director shall issue a licence as a P.M.U. contractor to an applicant therefor.

Refusal of licence

(3) Where the Director is of the opinion that an applicant for a licence as an operator of a P.M.U. farm does not comply with clauses *a* and *b* of subsection 2 of section 3, he may refuse to issue the licence.

Suspension or revocation of licence

(4) Where the Director is of the opinion, in the case of a licensee, that clause *a* or *b* of subsection 3 of section 3 applies, he may suspend or revoke the licence.

Where Director refuses to issue or proposes to suspend or revoke a licence

(5) Where the Director refuses to issue or proposes to suspend or revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed suspension or revocation and a notice stating the right to a hearing by the Board, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen days after receipt of the notice of refusal or proposed suspension or revocation, require a hearing by the Board.

Notice of hearing

(6) The chairman of the Board shall fix a time, date and place at which the Board will hear the matter and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Contents of notice

(7) The notice of hearing shall contain,

(*a*) a statement of the time and place of the hearing;

(*b*) a reference to the rules of procedure applicable to the hearing; and

(*c*) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

Parties

5.—(1) The Director, the applicant or licensee and any other person specified by the Board are parties to the hearing.

Failure to attend

(2) If a person who has been duly notified of a hearing does not attend, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

6.

Adjournment

6.—(1) A hearing may be adjourned from time to time by the Board on reasonable grounds,

(*a*) on its own motion; or

(*b*) on the motion of any party to the hearing.

Subpoena

(2) The Board may command the attendance before it of any person as a witness.

Oaths

(3) The Board may require any person,

(*a*) to give evidence on oath at a hearing; and

(*b*) to produce such documents and things as the Board requires.

Idem

(4) The Board may admit evidence not given under oath.

Offences

(5) Any person who, without lawful excuse,

(*a*) on being duly summoned as a witness before the Board, makes default in attending; or

(*b*) being in attendance as a witness before the Board, refuses to take an oath legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or

(*c*) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforcement

(6) The Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of party to counsel

7.—(1) Any party may be represented before the Board by counsel or agent.

Right of witness to counsel

(2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent

may only advise the witness and state objections under the provisions of the relevant law.

(3) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. Exclusion of counsel

8. At a hearing before the Board, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. Rights of parties at hearing

9.—(1) All hearings shall be open to the public except where the Board finds that, Hearings to be open to public; exceptions

(*a*) public security may be involved; or

(*b*) intimate financial or personal circumstances of any person may be disclosed,

in which case the Board shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions. Idem

10.—(1) At a hearing before the Board, Evidence

(*a*) except where otherwise provided in this section, the common law and statutory rules of evidence apply;

(*b*) evidence not admissible under clause *a* may be admitted by the Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and

(*c*) the Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. Release of exhibits

11.—(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper, and for this purpose the Board may substitute its opinion for that of the Director. Powers of Board

(2)

Licence to remain suspended or revoked

(2) A licence that is suspended or revoked pursuant to a decision of the Board under subsection 1 shall, where an appeal is instituted under section 13, remain suspended or revoked until the appeal is determined.

Notice of order

(3) The Board shall serve each party with a notice of its decision, together with the reasons therefor in writing, and a notice stating the right to an appeal under section 13, either personally or by registered mail addressed to the party at his last known address.

Contents of reasons for decision

(4) The reasons for the decision shall contain,

(*a*) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(*b*) any agreed findings of fact; and

(*c*) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

When licence not to issue

12. The Director shall not issue a licence to any person who formerly held a licence as an operator of a P.M.U. farm or as a P.M.U. contractor, as the case may be, and whose licence was revoked less than one year before the date of the application.

Appeal to Court of Appeal

13.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Court of Appeal and the practice and procedure as to appeal proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

Counsel

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.

Material on appeal

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court,

(*a*) the notices referred to in subsections 5 and 6 of section 4 and in subsection 3 of section 11;

(*b*) the written reasons for the decision of the Board; and

(*c*) all written submissions to the Board and other material including documentary evidence received by it in connection with the hearing.

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director to do any act the Director is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. Decision of court

(5) The decision of the Court of Appeal is final. Idem

14.—(1) The Minister may appoint a chief inspector and such other inspectors as he deems necessary, and, notwithstanding any other Act, such inspectors have exclusive authority to initiate proceedings to enforce the provisions of this Act and the regulations. Appointment of chief inspector and inspectors

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister. Certificate of appointment

(3) Subject to subsections 4, 5, 6 and 7, an inspector may, for the purpose of carrying out his duties under this Act, Powers of inspector

(*a*) enter any premises, car, truck or other conveyance in which he believes on reasonable and probable grounds there are horses that are used, or that are intended to be used, in connection with a P.M.U. farm, or any foals of such horses, and inspect the premises, car, truck or other conveyance, any facilities or equipment therein and any horse therein;

(*b*) demand the production or furnishing by the owner or custodian thereof of any books, records or documents or of extracts therefrom relating to horses that he believes on reasonable and probable grounds are used or intended to be used in connection with a P.M.U. farm, or any foals of such horses; and

(*c*) demand the production or furnishing by the owner or custodian thereof of any books, records or documents or of extracts therefrom that he believes on reasonable and probable grounds are related to urine from pregnant mares.

(4) An inspector shall exercise his powers under subsection 3 only between sunrise and sunset, but nothing in this section affects the issuance and execution of a warrant under section 14 of *The Summary Convictions Act*. When powers to be exercised

R.S.O. 1960, c. 387

Production and photocopying of records, etc.

(5) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Certification of photocopy

(6) Where a book, record, document or extract has been photocopied under subsection 5, a photocopy purporting to be certified by the Minister, or a person thereunto authorized by the Minister, to be a copy made pursuant to subsection 5 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand to be in writing

(7) Where an inspector makes a demand under clause *b* or *c* of subsection 3, the demand shall be in writing and shall include a statement of the nature of the investigation and the general nature of the books, records, documents or extracts required.

1955, c. 58, not to apply

(8) *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* does not apply in respect of horses in the possession of a licensed operator of a P.M.U. farm.

Obstruction of inspector

15. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

Transfer of possession of foals

16.—(1) No operator of a P.M.U. farm shall transfer possession to any other person of a foal that is less than ninety days old unless,

(*a*) the dam thereof has died;

(*b*) possession of the dam is transferred with the foal to the same person; or

(*c*) he has a permit for the transfer of possession of foals issued by the Director in the manner prescribed in the regulations.

Reports

(2) The operator of every P.M.U. farm shall submit to the Director such reports respecting horses used in connection with the P.M.U. farm, and any foals thereof, as may be prescribed in the regulations.

Sale of urine

(3) No person shall sell urine from pregnant mares unless he is the holder of a licence as the operator of a P.M.U. farm or as a P.M.U. contractor.

17.—(1) Every person who contravenes any of the provisions of this Act, other than subsection 2 of section 16, or the regulations, other than a regulation made under clause *h* or *j* of section 19, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than $500 or to imprisonment for a term of not more than three months, or to both, and for a subsequent offence to a fine of not more than $1,000 or to imprisonment for a term of not more than six months, or to both. Offence

(2) Every person who contravenes the provisions of subsection 2 of section 16, or of a regulation made under clause *h* or *j* of section 19, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than $25 and for a subsequent offence to a fine of not more than $100. Idem

18. Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or against any Act relating to cruelty, maltreatment or neglect of animals has been or is being committed by any person who is the operator of a P.M.U. farm or who is employed by or associated with any such person, the Supreme Court or a judge thereof may, upon the application of the Director, enjoin any such person from being engaged in any way in the operation of such P.M.U. farm absolutely or for such period as seems just. Injunction proceedings

19. The Lieutenant Governor in Council may make regulations, Regulations

(*a*) providing for the manner of issuing licences, prescribing their duration and the fees payable therefor;

(*b*) prescribing further procedures for hearings before the Board;

(*c*) providing for the issuing by the Director to a licensed operator of a P.M.U. farm of a permit for the transfer of possession of foals and prescribing the terms and conditions for the issuing and revocation of such permits;

(*d*) prescribing the buildings, facilities and equipment to be provided by the operator of a P.M.U. farm or any class thereof;

(*e*) prescribing standards for the health, welfare and care of horses, or any class thereof, in a P.M.U. farm;

(*f*) prescribing facilities and equipment for the transportation of horses that are used or are intended to be used in connection with a P.M.U. farm;

(*g*) classifying P.M.U. farms, requiring the operators of any class of P.M.U. farm to provide for the services of a veterinarian in connection with the care of horses in the P.M.U. farm and prescribing the terms and conditions on which such services shall be provided in respect of any such class;

(*h*) prescribing the records to be made and kept by the operator of a P.M.U. farm or any class thereof or by a P.M.U. contractor and prescribing the places at which such records shall be kept;

(*i*) prescribing reports to be submitted to the Director by the operator of a P.M.U. farm;

(*j*) prescribing methods for the identification of horses;

(*k*) prescribing forms and providing for their use;

(*l*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commencement

20. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

21. This Act may be cited as *The Pregnant Mare Urine Farms Act, 1968-69*.

CHAPTER 98

An Act to amend The Prepaid Hospital and Medical Services Act

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Prepaid Hospital and Medical Services Act* is amended by inserting after "service" in the third line "or providing prescription drugs", and by inserting after "services" in the sixth line "or prescription drugs", so that the clause shall read as follows: R.S.O. 1960, c. 304, s. 1, cl. *a*, amended

(*a*) "association" means any company or corporation incorporated for the purpose of establishing, maintaining and operating a hospital or medical service or providing prescription drugs on a non-profit prepayment basis, whereby any one or more of hospital, medical, surgical, nursing or dental services or prescription drugs or payment therefor may be provided to persons who become subscribers with, or members of, such company or corporation, or for these and similar purposes, but does not include an insurer licensed under *The Insurance Act* or a pension fund or employees' mutual benefit society incorporated under Part VI of *The Corporations Act*. R.S.O. 1960, cc. 190, 71

2. Section 1 of *The Prepaid Hospital and Medical Services Act* is amended by adding thereto the following clauses: R.S.O. 1960, c. 304, s. 1, amended

(*aa*) "pharmacist" means a person registered as a pharmaceutical chemist under *The Pharmacy Act*; R.S.O. 1960, c. 295

(*ab*) "prescription drug" means a drug as defined in *The Pharmacy Act* dispensed upon the prescription of a legally qualified medical practitioner or dentist to a named person, and includes such drug mixed with any other drug or substance.

3.

R.S.O. 1960, c. 304, s. 4, amended

3. Section 4 of *The Prepaid Hospital and Medical Services Act* is amended by inserting after "service" in the second line "or prescription drugs", so that the section shall read as follows:

No association to carry on business unless registered

4. No association shall, in Ontario, contract to furnish hospital, medical, surgical, nursing or dental service or prescription drugs, or any combination of them, on a prepayment basis or make payment therefor unless registered under this Act.

R.S.O. 1960, c. 304, s. 5, subs. 1, cl. *c*, amended

4.—(1) Clause *c* of subsection 1 of section 5 of *The Prepaid Hospital and Medical Services Act* is amended by inserting after "physician" in the second line "pharmacist", so that the clause shall read as follows:

(*c*) by a copy of every contract or proposed contract with a hospital, physician, pharmacist and other person for the rendering of services to subscribers or members.

R.S.O. 1960, c. 304, s. 5, subs. 2, cl. *b*, amended

(2) Clause *b* of subsection 2 of the said section 5 is amended by inserting after "physicians" in the second line "pharmacists", so that the clause shall read as follows:

(*b*) that the contracts and proposed contracts with hospitals, physicians, pharmacists or other persons for the rendering of service to subscribers or members and the contracts or proposed contracts with subscribers or members are fair and reasonable.

R.S.O. 1960, c. 304, s. 6, subs. 2, cl. *a*, amended

5. Clause *a* of subsection 2 of section 6 of *The Prepaid Hospital and Medical Services Act* is amended by inserting after "physicians" in the second line "pharmacists", so that the clause shall read as follows:

(*a*) that the contracts and proposed contracts with hospitals, physicians, pharmacists or other persons for the rendering of service to subscribers or members and the contracts or proposed contracts with subscribers and members are fair and reasonable.

Commencement

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

7. This Act may be cited as *The Prepaid Hospital and Medical Services Amendment Act, 1968-69.*

CHAPTER 99

The Professional Engineers Act, 1968-69

Assented to June 27th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act, Interpretation

(*a*) "Association" means the Association of Professional Engineers of the Province of Ontario;

(*b*) "by-law" means a by-law of the Association;

(*c*) "chapter" means a group of members constituted and governed by by-law;

(*d*) "council" means the council of the Association;

(*e*) "graduate" means a graduate of a university or other educational institution in a course in any branch of engineering or science, the practice of which constitutes professional engineering and which is recognized by the council;

(*f*) "licence" means a licence to practise professional engineering issued under this Act;

(*g*) "licensee" means a person who holds a subsisting licence;

(*h*) "member" means a member of the Association;

(*i*) "practice of professional engineering" means the doing of one or more acts of advising on, reporting on, designing of or supervising of the construction of, all public utilities, industrial works, railways, tramways, bridges, tunnels, highways, roads, canals, harbour works, lighthouses, river improvements, wet docks, dry docks, floating docks, dredges,

cranes

cranes, drainage works, irrigation works, waterworks, water purification plants, sewerage works, sewage disposal works, incinerators, hydraulic works, power transmission systems, steel, concrete or reinforced concrete structures, electric lighting systems, electric power plants, electric machinery, electric or electronic apparatus, electrical or electronic communication systems or equipment, mineral property, mining machinery, mining development, mining operations, gas or oil developments, smelters, refineries, metallurgical machinery, or equipment or apparatus for carrying out such operations, machinery, boilers or their auxiliaries, steam engines, hydraulic turbines, pumps, internal combustion engines or other mechanical structures, chemical or metallurgical machinery, apparatus or processes, or aircraft, and generally all other engineering works including the engineering works and installations relating to airports, airfields or landing strips or relating to town and community planning;

(*j*) "professional engineer" means a person who is a member or licensee;

(*k*) "region" means a geographical area of Ontario as defined by by-law;

(*l*) "register" means the record of registrants maintained by the registrar;

(*m*) "registrant" means a person recorded in the register as a member, licensee, an assistant to a professional engineer, a graduate or an undergraduate;

(*n*) "registrar" means the registrar of the Association;

(*o*) "regulation" means a regulation of the Association;

(*p*) "undergraduate" means a student enrolled at but not graduated from a university or other educational institution in a course in any branch of engineering or science, the practice of which constitutes professional engineering and that is recognized by the council. R.S.O. 1960, c. 309, s. 1, *amended*.

Activities not affected

2. Nothing in this Act prevents,

(*a*) any person from performing his duties in the Canadian Armed Forces;

(*b*) any member or licensee of the Ontario Association of Architects under *The Architects Act* or any employee of such member or licensee acting under the direction and responsibility of such member or licensee from performing professional engineering services in the course of any work undertaken or proposed to be undertaken by such member or licensee as an architect; R.S.O. 1960, c. 20

(*c*) any person who holds a certificate of qualification under *The Operating Engineers Act* from practising or designating himself as an operating engineer; R.S.O. 1960, c. 282

(*d*) any person from practising as a bacteriologist, chemist, geologist, mineralogist or physicist;

(*e*) any person from advising on or reporting on any mineral property or prospect;

(*f*) any person from operating, executing or supervising any works as owner, contractor, superintendent, foreman, inspector or master,

or requires any such person to become registered or licensed under this Act in order to do any such thing. R.S.O. 1960, c. 309, s. 2, *amended*.

ASSOCIATION

Association continued

3.—(1) The body politic and corporate known as the "Association of Professional Engineers of the Province of Ontario" incorporated under *The Professional Engineers Act, 1922* is hereby continued. 1922, c. 59

Members

(2) All persons who are members of the Association when this Act comes into force or who hereafter are admitted as members constitute the Association. R.S.O. 1960, c. 309, s. 3 (1), *amended*.

Objects

(3) The objects of the Association are,

(*a*) to regulate the practice of professional engineering and to govern the profession in accordance with this Act, the regulations and the by-laws;

(*b*) to establish and maintain standards of knowledge and skill among its members; and

(*c*) to establish and maintain standards of professional ethics among its members,

in order that the public interest may be served and protected. *New*.

Head office

(4) The head office of the Association shall be at the city of Toronto.

Property

(5) The Association may purchase, acquire or take by gift, devise or bequest for the purposes of the Association and the furtherance of its objects, but for no other purposes or objects, any real or personal property, and may sell, mortgage, lease or otherwise dispose of any such property. R.S.O. 1960, c. 309, s. 3 (4, 5).

COUNCIL

Council

4.—(1) There shall be a council which shall consist of a president, a first vice-president, a second vice-president, an immediate past president, two elected councillors-at-large, ten elected regional councillors and five appointed councillors, all of whom shall be members and residents of Ontario.

President and vice-presidents

(2) The president and the vice-presidents shall have such qualifications as are prescribed by by-law and shall be elected annually by vote of the members. R.S.O. 1960, c. 309, s. 8 (1-3), *amended.*

Councillors-at-large

(3) One councillor-at-large shall be elected each year for a two-year term by vote of the members. *New.*

Regional councillors

(4) There shall be elected from each of the five regions established and defined by by-law two regional councillors, one to be elected from each region each year for a two-year term by vote of the members who are recorded as residents in that region at the time the election is held.

Appointed councillors

(5) The five appointed councillors shall be appointed by the Lieutenant Governor in Council for a term of three years and shall be qualified respectively in the following fields of engineering:

1. Civil.
2. Mechanical, Aeronautical and Industrial.
3. Electrical.
4. Chemical and Metallurgical.
5. Mining and Geology. R.S.O. 1960, c. 309, s. 8 (5, 6), *amended.*

(6) In addition to the councillors mentioned in subsection 1, the Lieutenant Governor in Council may appoint as councillors, Lay councillor; legal councillor

(*a*) a person who is not a member; and

(*b*) a person who is a barrister and solicitor of at least ten years standing at the bar of Ontario,

both of whom are residents of Ontario.

(7) Persons appointed under subsection 6 shall serve for a term of three years but are eligible for re-appointment. Term

(8) Where the president, a vice-president or a councillor resigns, is absent from three consecutive meetings of the council, becomes incapacitated or dies, the office may be declared vacant by the council, and, if such office should be declared vacant, except in a case of a councillor appointed by the Lieutenant Governor in Council, the council shall fill the vacancy in such manner as is provided by by-law, and in the case of a vacancy in the office of a councillor appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council may fill the vacancy by appointment of a person of the same class as the councillor causing the vacancy. R.S.O. 1960, c. 309, s. 8 (6, 7), *amended*. Vacancies

(9) No person shall be appointed or elected to the council unless he is a Canadian citizen or other British subject, and no person shall continue to hold any such office if he ceases to be so qualified. *New*. Councillors to be Canadians

5. The council, Registrar, treasurer, secretary, executive director

(*a*) shall appoint a registrar and a treasurer; and

(*b*) may appoint a secretary, an executive director and such other officials as the council deems fit,

and any two or more of such offices may be held by one person. *New*.

6. No action or other proceedings for damages shall be instituted against the council, or any member or official of the council or any person appointed by the council for any act done in good faith in the performance or intended performance of any duty or in the exercise or in the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of any such duty or power. R.S.O. 1960, c. 309, s. 29, *amended*. Liability of council, officers and members

7.

Regulations

7.—(1) The council may make regulations respecting any matter that is outside the scope of the power to pass by-laws specified in section 8 and, without limiting the generality of the foregoing,

(*a*) prescribing the scope and conduct of examinations of candidates for registration;

(*b*) prescribing the form of the summons referred to in subsection 10 of section 25;

(*c*) respecting the practice and procedure for hearings held under this Act;

(*d*) defining "professional misconduct" for the purpose of this Act and the regulations;

(*e*) defining classes of specialists in the various fields of engineering;

(*f*) prescribing the qualifications required of specialists or any class thereof;

(*g*) providing for the designation of specialists upon application and examination or otherwise, for the suspension or revocation of such designations, and for the regulation and prohibition of the use of terms, titles or designations by professional engineers indicating specialization in any field of engineering;

(*h*) regulating and prohibiting the use of terms, titles or designations by professional engineers in independent practice.

Approvals

(2) No regulation is effective,

(*a*) until it has been submitted to the members for approval by means of a letter ballot returnable within thirty days after the mailing thereof and it has been approved by a majority of those voting within the prescribed time; and

(*b*) until it has been approved by the Lieutenant Governor in Council. *New.*

By-laws

8.—(1) The council may pass by-laws relating to the administrative and domestic affairs of the Association, and, without limiting the generality of the foregoing,

(*a*) respecting the determination and modification of the boundaries of regions and the determination of

regions

regions in which members shall be deemed to reside for the purposes of the election of councillors;

(*b*) prescribing procedures for the nomination and election of the councillors and the nomination and election of the president and the vice-presidents and the qualifications necessary to hold any such office;

(*c*) prescribing the duties of the councillors and rules governing their conduct;

(*d*) respecting the remuneration and reimbursement of members of the council;

(*e*) respecting the calling, holding and conduct of meetings of the council and the Association;

(*f*) providing for the establishment and regulation of chapters;

(*g*) respecting the management of the property of the Association;

(*h*) providing for the borrowing of money on the credit of the Association and the charging, mortgaging, hypothecating or pledging of any of the real or personal property of the Association to secure any money borrowed or other debt or any other obligation or liability of the Association;

(*i*) respecting the application of the funds of the Association, and the investment and re-investment of any of its funds not immediately required in any investments that may from time to time be authorized investments for joint stock insurance companies and cash mutual insurance corporations under *The Corporations Act*; R.S.O. 1960, c. 71

(*j*) defining the composition and functions of the board of examiners;

(*k*) providing for the establishment of scholarships, bursaries and prizes;

(*l*) providing for the appointment of committees of the council and defining their composition and functions;

(*m*) providing for the closing of the register and the restriction of recording changes of addresses of the registrants for a period of time not exceeding forty-

eight hours, exclusive of Sundays and holidays, immediately preceding any meeting of the members or any election;

(*n*) respecting the registration of members and the recording of licensees, graduates, undergraduates and assistants to professional engineers;

(*o*) for maintaining a system for the recording of registrants, their residence addresses and the regions in which they are resident and for the recording of the names of official representatives of partnerships, associations of persons or corporations;

(*p*) providing for services to encourage and assist members in the development of their professional competence and conduct and in carrying on the practice of professional engineering;

(*q*) fixing and providing for levying and collecting or remitting annual and other fees, levies and assessments;

(*r*) prescribing forms and providing for their use;

(*s*) respecting all other things that are deemed necessary or convenient for the attainment of the objects of the Association and the efficient conduct of its business.

Approval

(2) No by-law is effective until it has been submitted to the members for approval by means of a letter ballot returnable within thirty days after the mailing thereof and unless it has been approved by a majority of those voting within the prescribed time. R.S.O. 1960, c. 309, s. 5, cl. *a*, *amended*.

Construction

(3) As between a registrant and the Association, the ruling of the council on the construction and interpretation of any by-law is final. R.S.O. 1960, c. 309, s. 4 (2), *amended*.

Code of ethics

9.—(1) The council shall prepare and publish from time to time a code of ethics containing standards of conduct designed for the protection of the public, which standards members and licensees must subscribe to and follow in the practice of professional engineering.

Copies

(2) Copies of the code of ethics shall be sent to the members and licensees and shall be available free of charge to members of the public who apply therefor. *New*.

10.

Canadian Council of Professional Engineers

10. The council may authorize participation by the Association in the activities of the Canadian Council of Professional Engineers, as a constituent association thereof. *New.*

MEMBERSHIP

Qualification for membership

11.—(1) Any applicant for membership who,

(*a*) resides,

(i) in Ontario,

(ii) out of Ontario and is employed for an indefinite period as a full-time employee of an employer having works or facilities in Ontario and is required by the terms of his employment to practise professional engineering in respect of such works or facilities or has a place of employment in Ontario and practises or proposes to practise professional engineering in Ontario on a full-time basis;

(*b*) is twenty-one or more years of age;

(*c*) has passed the examinations prescribed by the council or is exempted therefrom pursuant to subsection 3 or 6;

(*d*) has had six or more years of experience in engineering work satisfactory to the council; and

(*e*) provides satisfactory evidence of good character,

shall be admitted as a member by the council.

Evidence of qualification

(2) Each applicant for membership shall submit upon the prescribed form evidence of his educational qualifications and engineering experience, information as to his residence and at least three references as to his character and engineering experience, and he may be required by the council to verify the statements set out in his application by affidavit. R.S.O. 1960, c. 309, s. 10 (1, 2), *amended.*

Credit for academic and other qualifications

(3) The council may exempt an applicant from any of the examinations mentioned in clause *c* of subsection 1 if the council is of the opinion that the applicant has adequate academic and other qualifications. *New.*

Credit for time spent at a university

(4) Where the applicant is a graduate, upon presenting evidence of the actual time during which he was under instruction as an undergraduate in a university, the council shall grant him the time spent under such instruction in reduction of the six-year period of engineering experience required by clause *d* of subsection 1, but only in so far as the total exemption granted does not exceed four years. R.S.O. 1960, c. 309, s. 10 (4), *amended.*

Board of examiners to consider applications

(5) The council may for the purpose of subsection 3 or 4 require the board of examiners to consider and make recommendations to the council with respect to any applications for exemption, including an application for exemption of a graduate in honours science. *New.*

Saving

(6) The council shall exempt from the examinations mentioned in clause *c* of subsection 1 any person who resides in Ontario on the day this Act comes into force and who has been engaged in the performance of any engineering work specified in clause *e* of section 2 of *The Professional Engineers Act*, being chapter 309 of the Revised Statutes of Ontario, 1960, for a period or periods of not less than six years in the aggregate, if such person submits to the council, within one year from the day this Act comes into force, satisfactory evidence of having been so engaged. *New.*

Admission of members of other associations

12. The council may, upon application and satisfactory proof of residence, admit as a member any person who resides in Ontario, or who resides out of Ontario under the circumstances set out in subclause ii of clause *a* of subsection 1 of section 11, and who furnishes satisfactory proof,

(*a*) that he is a member of an association of professional engineers in another province or a territory of Canada that has objects similar to those of the Association and requirements for membership no less exacting than those in effect in Ontario; or

(*b*) that he is a member of an association of professional engineers in another part of the Commonwealth or in the United States of America that has objects similar to those of the Association and requirements for membership no less exacting than those in effect in Ontario. R.S.O. 1960, c. 309, s. 12, *amended.*

Students and assistants

13.—(1) Persons who are engaged as assistants to professional engineers in categories recognized by the council and graduates and undergraduates who have not completed the period of engineering experience required by this Act and who contemplate applying for membership on the completion of the period of engineering experience may, upon application in

the prescribed form, be recorded in the register but not as members of the Association until fully qualified, and upon being so recorded are subject to the control of the council in accordance with this Act, the regulations and the by-laws. R.S.O. 1960, c. 309, s. 13, *amended*.

Deletion of names

(2) Any registrant whose name is recorded in the register pursuant to subsection 1 may, upon application, have his name deleted from the register. *New*.

Annual fee

14.—(1) The annual fee from a registrant shall be deemed to be a debt due to the Association and is recoverable from him in the name of the Association in any court of competent jurisdiction. R.S.O. 1960, c. 309, s. 24, *amended*.

Non-payment of annual fee

(2) Where the annual fee is not paid within six months from the date upon which it became due, the treasurer shall send a written notice of such default by prepaid mail addressed to the registrant's last address as shown on the register, and, if payment is not made within one month thereafter, the registrar, upon the direction of the council, shall delete or cause the name of the registrant to be deleted from the register, and thereupon the registrant ceases to be a member, a licensee, an assistant to a professional engineer, or a graduate or undergraduate recorded pursuant to section 13, as the case may be. R.S.O. 1960, c. 309, s. 25 (1), *amended*.

Resignations

15. Any member who intends to withdraw from the practice of professional engineering and whose fees are paid up shall send written notice thereof to the registrar, whereupon the registrar shall delete his name from the register. R.S.O. 1960, c. 309, s. 25 (2), *amended*.

Restorations

16. Any person who ceased to be a member under subsection 2 of section 14, upon payment of the fees owing at the time he ceased to be a member and the fee for the current year, or any person whose name has been deleted from the register under section 15, upon payment of the fee for the current year, and, in either case, upon production of evidence of good character satisfactory to the council, shall, upon the direction of the council, have his name restored on the register. R.S.O. 1960, c. 309, s. 25 (3), *amended*.

LICENSING

Issue of licences to members of associations of other provinces

17.—(1) The registrar may upon application issue a licence to any person who resides in Canada but not in Ontario and who furnishes satisfactory proof that he is a member of an association of professional engineers in another province or a territory of Canada that has objects similar to those of the Association.

(2)

Issue of licences to consulting specialists

(2) Any person who does not reside in Canada but who in the opinion of the council is a consulting specialist in a field of professional engineering who has had not less than ten years experience in the practice of his profession, or who furnishes satisfactory evidence that he has qualifications at least equal to those required for registration as a professional engineer in Ontario, may, with the approval of the council, be issued a licence.

Issue of licences to persons from provinces without associations

(3) Any person practising or proposing to practise professional engineering who resides in a territory of Canada in which there is no association of professional engineers that has objects similar to those of the Association, may, with the approval of the council, be issued a licence.

Practise by applicant for a licence

(4) Where an applicant for a licence fails to obtain it promptly for any reason unrelated to his professional capacity or his own neglect, he may practise professional engineering in Ontario for a period of not more than three months without a licence.

Licence to be issued by the registrar

(5) The registrar shall issue a licence in the prescribed form to any person entitled thereto and shall specify therein the work upon which and the name of the employer in Ontario by whom the holder of the licence is to be employed and the period for which it is issued, but in no case shall the period extend beyond the end of the calendar year in which the licence is issued. R.S.O. 1960, c. 309, ss. 14, 22 (4), *amended*.

Additional condition

(6) The council may direct that any licence issued under subsection 2 shall, in addition to the conditions mentioned in subsection 5, contain a condition that the licensee may practise professional engineering in Ontario only in collaboration with a member who shall sign and seal any plans and specifications together with the licensee. *New*.

Where licence not required

18. Any person who is employed as a professional engineer by a public service corporation carrying on an interprovincial undertaking or by the Government of Canada and who is by reason of his employment required to practise professional engineering in a province or territory of Canada other than that of his residence may practise professional engineering in Ontario without a licence, but he shall on demand of the council furnish satisfactory evidence that he is a member of an association of professional engineers in another province or a territory of Canada that has objects similar to those of the Association. R.S.O. 1960, c. 309, s. 15, *amended*.

Seals, members

19.—(1) Every member shall have a seal of a design approved by the council, the impression of which shall contain

the name of the engineer and the words "Registered Professional Engineer" and "Province of Ontario". R.S.O. 1960, c. 309, s. 16, *amended*.

Idem, licensees

(2) Every licensee shall have a seal of a design approved by the council, the impression of which shall contain the name of the licensee and the words "Licensed Professional Engineer" and "Province of Ontario".

Signature and use of seal

(3) All final drawings, specifications, plans, reports and other documents involving the practice of professional engineering when issued shall bear the signature and seal of the professional engineer who prepared or approved them. *New*.

PARTNERSHIPS, CORPORATIONS

Practice prohibited by partnerships and corporations

20.—(1) No partnership, association of persons or corporation as such shall be a member or a licensee, or shall, except as authorized by this section, practise professional engineering.

Certificates of authorization

(2) A partnership, association of persons or corporation that holds a certificate of authorization may, in its own name, practise professional engineering,

(*a*) if one of its principal or customary functions is to engage in the practice of professional engineering; and

(*b*) if the practice of professional engineering is done under the responsibility and supervision of a member of the partnership or the association of persons, a director of the corporation, or a full-time employee of the corporation, who in any case is a member; or

(*c*) if the practice of professional engineering is done under the responsibility and supervision of a member of the partnership or the association of persons, a director of the corporation, or a full-time employee of the corporation, who in any case is a licensee, provided that the practice of professional engineering is restricted to the work specified in the licence of the licensee. R.S.O. 1960, c. 309, s. 18, *amended*.

Applications for certificates

(3) A partnership, association of persons or corporation that desires a certificate of authorization shall submit to the registrar an application in the prescribed form containing,

(*a*) the names and addresses of all its partners, members, officers or directors, as the case may be;

(*b*) the names of all its partners, members of associations of persons, directors of corporations, or full-time employees of corporations, as the case may be, who are the members or licensees who will be in charge of professional engineering on its behalf;

(*c*) from among the names specified under clause *b* the name or names of its official representative or representatives whose duty it is to ensure that this Act, and the regulations and the by-laws are complied with by the partnership, the association of persons or the corporation, as the case may be,

and shall, whenever there is a change in the particulars given in its application, give notice of the change to the registrar within thirty days after the effective date of the change.

Issue of certificates

(4) If subsection 3 is complied with, the registrar shall issue to the applicant a certificate of authorization.

Ipso facto revocation of certificate

(5) Where the holder of a certificate of authorization ceases to have any official representative, the certificate is *ipso facto* revoked, and the partnership, association of persons or corporation shall not practise professional engineering until a new certificate of authorization is issued.

Reprimand of licensee, etc.

(6) Where the council finds that the holder of a certificate of authorization has failed to observe any of the provisions of this section or has been guilty of conduct that would, in the case of a member or licensee, have been professional misconduct, the council may reprimand the holder or suspend or revoke the certificate of authorization.

Application of ss. 24, 25, 26

(7) Sections 24, 25 and 26 apply *mutatis mutandis* to the refusal to issue a certificate of authorization and to the revocation or suspension of a certificate of authorization. *New.*

EXAMINATIONS

Board

21.—(1) The council shall appoint annually a board of examiners. R.S.O. 1960, c. 309, s. 19, *amended.*

Central examining board

(2) The council may establish conjointly with the council of any association in one or more of the provinces or territories of Canada that has objects similar to those of the Association a central examining board and may delegate to the central examining board all or any of the powers of the council respecting the examination of candidates for admission as members, but any examinations conducted by the central examining board shall be held in at least one place in Ontario. R.S.O. 1960, c. 309, s. 21, *amended.*

REGISTRAR

Registrar to record members, etc.

22.—(1) The registrar shall register in a system of recording approved by the council the names of the members, the licensees, the assistants to professional engineers, and the graduates and the undergraduates. R.S.O. 1960, c. 309, s. 22 (5), *amended.*

Register to be correct

(2) The registrar shall keep the register correct and in accordance with this Act, the regulations and the by-laws. R.S.O. 1960, c. 309, s. 23, *amended.*

Evidence of membership

(3) The certificate of the registrar respecting the registration of a person is *prima facie* evidence of the facts certified to therein. R.S.O. 1960, c. 309, s. 27, *amended.*

Quarterly report

(4) The registrar shall send to the Lieutenant Governor in Council quarterly as of the last days of March, June, September and December in each year a report containing, with respect to the immediately preceding three-month period, the names of the persons,

(*a*) who have been granted partial exemption from examinations;

(*b*) who have been granted no exemption from examinations;

(*c*) who have been refused permission to write examinations; or

(*d*) who have not been admitted to membership in the Association because,

(i) their experience in engineering work was not satisfactory to the council, or

(ii) they did not provide satisfactory evidence of good character,

giving, in each case, the reason for the decision, together with such further information and particulars with respect to such matters as the Lieutenant Governor in Council may require.

Certificate of membership

23.—(1) The registrar shall issue to each member admitted to the Association a certificate of membership signed by the president or a vice-president and by the registrar, and bearing the seal of the Association. R.S.O. 1960, c. 309, s. 23 (1), *amended.*

Certificate to be displayed

(2) Every member shall keep his certificate of membership prominently displayed in his place of business. R.S.O. 1960, c. 309, s. 22 (1).

HEARINGS

HEARINGS, UPON APPLICATIONS

Hearing where application for membership, etc., refused

24.—(1) Where an applicant for membership or a licence has met the academic and experience requirements, or an applicant for restoration of his name on the register has paid the required fees and has produced the required evidence of good character, and his application is refused, the council shall, upon the written request of the applicant received by the registrar within fifteen days of the receipt by the applicant of written notice of the refusal, conduct a hearing of the matter.

Conduct of hearing

(2) Section 25 applies *mutatis mutandis* to any hearing conducted under this section except that upon any such hearing the council may make findings of fact by such standards of proof as are commonly relied upon by reasonable and prudent men in the conduct of their own affairs. R.S.O. 1960, c. 309, s. 26, *amended.*

HEARINGS, DISCIPLINARY

Powers of council to discipline members

25.—(1) Subject to subsection 2, where the council finds that a person who is a member or licensee is guilty of professional misconduct or has obtained registration as a member or has been issued a licence by reason of misrepresentation by such person, the council may by order do one or more of the following:

1. Reprimand such person and, if considered proper, direct that the fact of the reprimand be recorded on the register.

2. Suspend the membership or licence of such person for such time as the council considers proper and direct that the re-instatement of such membership or licence on the termination of such suspension be subject to such conditions, if any, as the council considers proper.

3. Direct that the imposition of any penalty be suspended or postponed for such period and upon such terms as the council considers proper and that at the end of such period and upon the compliance with such terms any penalty be remitted.

4. Direct that the membership or licence of such person be cancelled and that the name of such person be removed from the register.

5. Direct that the decision of the council be published in detail or in summary in the official journal of the Association or in such other manner or medium as the council considers appropriate in any particular case.

6. Direct that, where it appears that the proceedings were unwarranted, such costs as to the council seem just be paid by the Association to the member or licensee whose conduct was the subject of such proceedings.

Complaint and hearing

(2) The council shall not take any action under subsection 1 unless,

(*a*) a complaint under oath has been filed with the registrar and a copy thereof has been served on the person whose conduct is being investigated;

(*b*) the person whose conduct is being investigated has been served with a notice of the time and place of the hearing; and

(*c*) the council has heard evidence of or on behalf of the complainant and, if the person whose conduct is being investigated appears at the hearing and so requests, has heard his evidence or evidence on his behalf and has reached the decision that he is guilty. R.S.O. 1960, c. 309, s. 28 (1, 2), *amended*.

Power to take sworn evidence

(3) Any person presiding at a hearing may administer oaths to witnesses and require them to give evidence under oath. R.S.O. 1960, c. 309, s. 28 (1-3), *amended*.

Failure to appear

(4) If the person whose conduct is being investigated fails to appear in answer to the notice at the time and place appointed, the hearing may be conducted in his absence.

Disciplinary hearings to be held *in camera*

(5) Hearings shall be held *in camera*, but if the person whose conduct is being investigated requests otherwise by a notice in writing delivered to the registrar before the day fixed for the hearing, the council shall conduct the hearing in public or otherwise as it thinks proper.

Adjournments

(6) The council may adjourn any hearing at any time and from time to time.

Attendance of person being investigated

(7) A person whose conduct is being investigated, if present in person at the hearing, has the right to be represented by counsel or agent, to adduce evidence and to make submissions, and any such person may be compelled to attend and give evidence in the manner provided in subsection 10, but such person shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*.

R.S.O. 1960, c. 125
R.S.C. 1952, c. 307

Hearing of evidence R.S.O. 1960, c. 125

(8) The oral evidence submitted at a hearing shall be taken down in writing or by any other method authorized by *The Evidence Act*.

Rules of evidence

(9) The rules of evidence applicable in civil proceedings are applicable at hearings, but at a hearing members of the council may take notice of generally recognized technical or scientific facts or opinions within the specialized knowledge of members of the council if the person whose conduct is being investigated has been informed before or during the hearing of any such matters noticed and he has been given an opportunity to contest the material so noticed.

Summons to witness

(10) The president, a vice-president, the immediate past president or the registrar may, and the registrar upon application of a person whose conduct is being investigated shall, issue a summons in the form prescribed by regulation, commanding the attendance and examination of any person as a witness, and the production of any document the production of which could be compelled at the trial of an action, to appear before the council at the time and place mentioned in the summons and stating that failure to obey the summons will render the person liable to imprisonment on an application to the Supreme Court, but the person whose attendance is required is entitled to the like conduct money and payment for expenses and loss of time as upon attendance as a witness at a trial in the Supreme Court.

Failure of witness to appear, etc.

(11) If any person,

(*a*) on being duly summoned to appear as a witness makes default in attending; or

(*b*) being in attendance as a witness refuses to take an oath legally required to be taken, or to produce any document in his power or control legally required to be produced by him, or to answer any question which he is legally required to answer; or

(*c*) does any other thing which would, if the council had been a court of law having power to commit for contempt, have been contempt of that court,

the person presiding at the hearing may certify the offence of that person under his hand to the Supreme Court and the court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statements that may be offered in defence, punish or take steps for the punishment of that person in the like manner as if he had been guilty of contempt of court.

(12) At a hearing the complainant and the person whose conduct is being investigated have the right to examine the witnesses called by them respectively, and to cross-examine the witnesses opposed in interest. Examination and cross-examination

(13) The decision taken after a hearing shall be in writing and shall contain or be accompanied by the reasons for the decision in which are set out the findings of fact and the conclusions of law, if any, based thereon, and a copy of the decision and the reasons therefor, together with a notice to the person whose conduct is being investigated of his right of appeal, shall be served upon him within thirty days after the date of the decision. Decisions

(14) A record shall be compiled for every hearing consisting of the complaint and the notice referred to in subsection 2, any intermediate rulings or orders made in the course of the proceedings, a transcript of the oral evidence, if a transcript has been prepared, such documentary evidence and things as were received in evidence and the decision and the reasons therefor, provided that documents and things received in evidence may be released to the persons tendering them when all appeals have been finally disposed of or the right to appeal has terminated. Record

(15) Any document required to be served under this Act upon a person whose conduct is being investigated shall be served personally upon him, but where it appears that service cannot be effected personally, the document may be served by mailing a copy thereof in a registered letter addressed to him at his last known residence or office address as shown by the records of the Association, and service shall be effected not less than ten days before the date of the hearing or the event or thing required to be done, as the case may be, and proof by affidavit of the service is sufficient. Service of documents

(16) Where a member or licensee has been suspended from practising under this section, he may, upon payment of all fees and other costs owing by him to the Association, apply to the council to be re-instated as a member or licensee, as the case may be, and the council may terminate the suspension of such member or licensee upon such terms as it considers proper. Reinstatement after suspension

(17) A person whose membership or licence has been cancelled under this section may apply to the council for membership or for a licence, as the case may be, and the council shall, subject to subsection 18, hear the application and make such order as it considers proper and may include as a term of any such order such conditions as the council Re-admission after expulsion

considers

considers proper to be fulfilled before the applicant is admitted to membership or granted a licence or to be observed by such member or licensee thereafter.

Idem

(18) Except with the consent of the council, no application under subsection 17 shall be heard before the expiry of two years from the date of the cancellation of membership or licence or the date of the final disposition of any appeal.

Idem

(19) Upon a hearing for admission to membership or for the granting of a licence under subsection 17, the council shall follow, in so far as practicable, the procedure provided for in the case of a complaint under this section, and a former member or licensee has the same right of appeal from an order made by the council under subsection 17 as is provided in section 26.

Committee of council

(20) The council may appoint a committee to act for and on its behalf composed of not fewer than five members of the council, one of whom shall be the president, a vice-president or the immediate past president, and may delegate to the committee all or any of its powers and duties under this section upon such terms and conditions, if any, as the council considers proper, and a decision or order of the committee is the decision or order of the council. *New.*

Practice pending appeal

(21) Except in the case of professional misconduct constituting incompetence on the part of the person whose conduct was investigated, the suspension or cancellation of the membership or licence of a person whose conduct was investigated under this section does not become effective until any appeal has been finally disposed of or the right of appeal has terminated. R.S.O. 1960, c. 309, s. 28 (5), *amended.*

APPEAL

Appeal

26.—(1) Any person whom the council has refused to register for membership or whose name the council has refused to restore on the register or to whom the council has refused to issue a licence or who has been reprimanded or whose membership or licence is suspended or cancelled may appeal from the order of refusal, reprimand, suspension or cancellation to the Court of Appeal within fifteen days from the day upon which he is served with the order of refusal, reprimand, suspension or cancellation.

Certified copies of papers

(2) Upon the request of any person desiring to appeal and upon payment of the cost thereof, the registrar shall furnish such person with a certified copy of all proceedings, evidence, reports, orders and papers received as evidence by the council

and

and any committee thereof appointed pursuant to subsection 20 of section 25 in dealing with and disposing of the matter complained of.

Failure to pay costs

(3) If the appellant fails to pay the cost of the certified copy and the cost of such additional copies of the evidence as may be reasonably required for the purposes of the appeal within fifteen days after written demand from the registrar, the appeal shall be deemed to be abandoned.

Procedure and record

(4) An appeal under this section shall be by motion, notice of which shall be served upon the registrar, and the record shall consist of a copy, certified by the registrar, of the proceedings before the council or committee thereof, the evidence taken, the report of the council or committee thereof and all decisions, findings and order of the council or committee thereof in the matter.

Practice

(5) Except as otherwise provided, appeals under this section shall be in accordance with the practice in appeals from the decision or order of a judge of the Supreme Court.

Orders

(6) Upon the hearing of an appeal under this section, the Court of Appeal may make such order as the court deems proper or may refer the matter or any part thereof back to the council with such directions as the court deems proper.

Costs

(7) The Court of Appeal may make such order as to the costs of the appeal as the court deems proper. R.S.O. 1960, c. 309, s. 28 (4), *amended*.

OFFENCES

Offences, persons

27.—(1) Every person, other than a member or a licensee, who,

(*a*) takes and uses orally or otherwise the title "Professional Engineer" or "Registered Professional Engineer" or uses any addition to or abbreviation of either such titles, or any words, name or designation that will lead to the belief that he is a professional engineer, a member or a licensee or, except as permitted by section 2, uses the title or designation "engineer" in such a manner as will lead to the belief that he is a professional engineer, a member or a licensee;

(*b*) advertises, holds himself out, or conducts himself in any way or by any means as a member or a licensee; or

(*c*)

(*c*) engages in the practice of professional engineering,

is guilty of an offence. R.S.O. 1960, c. 309, s. 30, *amended.*

Idem

(2) Every person who,

(*a*) wilfully procures or attempts to procure registration under this Act for himself or for another person by making, producing or causing to be made or produced any fraudulent representation or declaration either verbal or written;

(*b*) knowingly makes any false statement in any application or declaration signed or filed by him under this Act,

is guilty of an offence. R.S.O. 1960, c. 309, s. 33, *part*, *amended.*

Offences, partnerships, associations and corporations

(3) Where a partnership, association of persons or corporation that has no subsisting certificate of authorization,

(*a*) practises professional engineering;

(*b*) uses orally or otherwise any name, title, description or designation that will lead to the belief that it is entitled to practise professional engineering; or

(*c*) advertises, holds itself out or conducts itself in any way or in such manner as to lead to the belief that it is entitled to practise professional engineering,

every member of the partnership, every member of the association of persons, or the corporation and every director thereof, is guilty of an offence.

Idem

(4) Where a partnership, association of persons or corporation that has a subsisting certificate of authorization practises professional engineering in contravention of this Act, every member of the partnership, every member of the association of persons, or the corporation and every director thereof, is guilty of an offence.

Penalties

(5) Every person, member of a partnership, member of an association of persons, and every corporation and director thereof, who is guilty of an offence under this section is, on summary conviction, liable to a fine of not more than $1,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1960, c. 309, ss. 31, 33, *part*, *amended.*

Limitation of proceedings

(6) No proceedings shall be commenced for a contravention of any of the provisions of this section after two years from the date of the commission of such contravention. R.S.O. 1960, c. 309, s. 35, *amended.*

LIMITATION OF ACTIONS

Limitation of actions

28.—(1) Except as provided in subsection 2, an action against a member or a licensee for negligence or malpractice in connection with professional services requested of him or rendered by him or under his direction or control shall be commenced within and not later than twelve months after the cause of action arose.

Extension

(2) The court in which an action mentioned in subsection 1 has been or may be brought may extend the period of limitation specified therein either before or after it has expired if the court is satisfied that to do so is just.

Does not apply to disciplinary proceedings

(3) This section does not apply to proceedings under section 25. *New.*

TRANSITIONAL PROVISIONS

Members of council

29.—(1) Notwithstanding section 4, the president, the vice-presidents and the elected councillors holding office when this Act comes into force shall continue to hold office until after the first annual election after this Act comes into force.

First annual election

(2) Notwithstanding subsections 4 and 5 of section 4, at the first election of councillors after this Act comes into force, one councillor-at-large shall be elected for a two-year term and one councillor-at-large shall be elected for a one-year term and there shall be elected from each of the five regions mentioned in subsection 4 of section 4 one regional councillor for a two-year term and one regional councillor for a one-year term. *New.*

Appointed members

(3) Notwithstanding subsection 6 of section 4, all councillors who have been appointed by the Lieutenant Governor in Council and are holding office when this Act comes into force shall continue to hold office for the term designated in the order in council by which they were appointed. *New.*

MISCELLANEOUS

R.S.O. 1960, c. 309, repealed

30. *The Professional Engineers Act* is repealed.

Commencement

31. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

32. This Act may be cited as *The Professional Engineers Act, 1968-69.*

CHAPTER 100

An Act to repeal The Public Finance Companies' Investments Act, 1966

Assented to May 8th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Finance Companies' Investments Act, 1966* is repealed. 1966, c. 124, repealed

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Public Finance Companies' Investments Repeal Act, 1968-69.* Short title

CHAPTER 101

An Act to amend The Public Parks Act

Assented to June 27th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

R.S.O. 1960, c. 329, s. 18, subs. 3 (1961-62, c. 119, s. 4, subs 1), re-enacted; subs. 4 (1961-62, c. 119, s. 4 subs. 1), repealed

1.—(1) Subsections 3 and 4 of section 18 of *The Public Parks Act*, as re-enacted by subsection 1 of section 4 of *The Public Parks Amendment Act, 1961-62*, are repealed and the following substituted therefor:

Estimates for park purposes

(3) The council may include in its estimates the sums estimated to be required by the board of park management under subsection 1, or such greater or lesser sums as the council may determine.

R.S.O. 1960, c. 329, s. 18, subs. 6 (1961-62, c. 119, s. 4, subs. 2), repealed

(2) Subsection 6 of the said section 18, as re-enacted by subsection 2 of section 4 of *The Public Parks Amendment Act, 1961-62*, is repealed.

R.S.O. 1960, c. 329, s. 18, subs. 7, repealed

(3) Subsection 7 of the said section 18, as amended by subsection 3 of section 4 of *The Public Parks Amendment Act, 1961-62*, is repealed.

R.S.O. 1960, c. 329, s. 18, subss. 8-11, repealed

(4) Subsections 8, 9, 10 and 11 of the said section 18 are repealed.

R.S.O. 1960, c. 329, s. 18 subs. 13, amended

(5) Subsection 13 of the said section 18 is amended by striking out "save as to the amount required to be retained under subsection 11" in the fifth and sixth lines, so that the subsection shall read as follows:

Money, application of

(13) All money realized or payable under this Act shall be received by the treasurer of the municipality in the same manner as other money, and shall be deposited by him to the credit of the park fund, and shall be paid out by him on the orders of the board.

Commencement

2. This Act comes into force on the 1st day of January, 1970.

Short title

3. This Act may be cited as *The Public Parks Amendment Act, 1968-69*.

CHAPTER 102

An Act to amend The Public Schools Act

Assented to December 17th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Public Schools Act*, as re-enacted by section 7 of *The Public Schools Amendment Act, 1966*, is repealed. R.S.O. 1960, c. 330, s. 17 (1966, c. 129, s. 7), repealed

2. Section 40*b* of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964* and amended by subsection 1 of section 25 of *The Public Schools Amendment Act, 1966* and section 6 of *The Public Schools Amendment Act, 1967*, is repealed. R.S.O. 1960, c. 330, s. 40*b* (1964, c. 95, s. 6), repealed

3.—(1) Subsection 4*a* of section 40*c* of *The Public Schools Act*, as enacted by subsection 1 of section 7 of *The Public Schools Amendment Act, 1967*, is repealed. R.S.O. 1960, c. 330, s. 40*c*, subs. 4*a* (1967, c. 82, s. 7, subs. 1), repealed

(2) Subsection 7 of the said section 40*c*, as amended by section 5 of *The Public Schools Amendment Act, 1968*, is repealed. R.S.O. 1960, c. 330, s. 40*c* (1964, c. 95, s. 6), subs. 7, repealed

(3) Subsection 9 of the said section 40*c*, as re-enacted by subsection 2 of section 7 of *The Public Schools Amendment Act, 1967*, is repealed. R.S.O. 1960, c. 330, s. 40*c*, subs. 9 (1967, c. 82, s. 7, subs. 2), repealed

(4) Subsection 10 of the said section 40*c*, as re-enacted by subsection 3 of section 7 of *The Public Schools Amendment Act, 1967*, is repealed. R.S.O. 1960, c. 330, s. 40*c*, subs. 10 (1967, c. 82, s. 7, subs. 3), repealed

4. Section 43 of *The Public Schools Act*, as amended by section 11 of *The Public Schools Amendment Act, 1961-62* and section 15 of *The Public Schools Amendment Act, 1965*, is repealed. R.S.O. 1960, c. 330, s. 43, repealed

5. Section 44 of *The Public Schools Act* is repealed. R.S.O. 1960, c. 330, s. 44, repealed

6. Section 45 of *The Public Schools Act*, as re-enacted by section 29 of *The Public Schools Amendment Act, 1966*, is repealed. R.S.O. 1960, c. 330, s. 45 (1966, c. 129, s. 29), repealed

R.S.O. 1960, c. 330, s. 47 (1966, c. 129, s. 30), repealed

7. Section 47 of *The Public Schools Act*, as re-enacted by section 30 of *The Public Schools Amendment Act, 1966*, is repealed.

R.S.O. 1960, c. 330, s. 53 (1966, c. 129, s. 32), repealed

8. Section 53 of *The Public Schools Act*, as re-enacted by section 32 of *The Public Schools Amendment Act, 1966*, is repealed.

R.S.O. 1960, c. 330, s. 54, repealed

9. Section 54 of *The Public Schools Act*, as amended by section 13 of *The Public Schools Amendment Act, 1961-62* and section 33 of *The Public Schools Amendment Act, 1966*, is repealed.

R.S.O. 1960, c. 330, s. 55, repealed

10. Section 55 of *The Public Schools Act*, as amended by section 17 of *The Public Schools Amendment Act, 1965*, section 34 of *The Public Schools Amendment Act, 1966* and section 9 of *The Public Schools Amendment Act, 1967*, is repealed.

R.S.O. 1960, c. 330, s. 63*a* (1966, c. 129, s. 40), repealed

11. Section 63*a* of *The Public Schools Act*, as enacted by section 40 of *The Public Schools Amendment Act, 1966*, is repealed.

R.S.O. 1960, c. 330, s. 71, repealed

12. Section 71 of *The Public Schools Act* is repealed.

R.S.O. 1960, c. 330, s. 74, subs. 2, cl. *d* (1964, c. 95, s. 9, subs. 1), repealed

13. Clause *d* of subsection 2 of section 74 of *The Public Schools Act*, as re-enacted by subsection 1 of section 9 of *The Public Schools Amendment Act, 1964*, is repealed.

Commencement

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. This Act may be cited as *The Public Schools Amendment Act, 1968-69*.

CHAPTER 103

An Act to amend The Public Service Superannuation Act

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of section 1 of *The Public Service Superannuation Act* is amended by adding at the end thereof "and Minister of Economics", so that the clause shall read as follows: R.S.O. 1960, c. 332, s. 1, cl. *h*, amended

(*h*) "Treasurer" means the Treasurer of Ontario and Minister of Economics.

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960 c. 332, s. 1, amended

(*i*) "widow" includes a woman who,

(i) establishes to the satisfaction of the Board that she had, for a period of not less than seven years immediately prior to the death of a contributor with whom she had been residing and with whom by law she was prohibited from marrying by reason of a previous marriage either of the contributor or of herself to another person, been maintained and publicly represented by the contributor as his wife, or

(ii) establishes to the satisfaction of the Board that she had, for a number of years immediately prior to the death of a contributor with whom she had been residing, been maintained and publicly represented by the contributor as his wife, and that at the time of the death of the contributor, neither she nor the contributor was married to any other person.

R.S.O. 1960, c. 332, s. 1, amended

(3) The said section 1 is further amended by adding thereto the following subsection:

When common-law wife deemed married to contributor

(2) For the purposes of this Act, a woman who has established to the satisfaction of the Board that she is a widow under subclause i or ii of clause *i* of subsection 1 shall, if the Board so directs, be deemed to have become married to the contributor at such time as she commenced being represented by him as his wife, and a woman who could establish that she is a widow under subclause i or ii of clause *i* of subsection 1 but for her marriage to a contributor after such time as she commenced being represented by him as his wife shall, if the Board so directs, be deemed to have become married to the contributor at the time when, in fact, she commenced being so represented.

R.S.O. 1960, c. 332, s. 6, amended

2. Section 6 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection:

Where payment for such service not paid in reasonable time

(4) This section does not apply where a person does not agree to pay on terms satisfactory to the Board the amount he elected to pay under this section or where the person does not pay the amount he elected to pay under this section together with interest upon such amount within such reasonable time as the Board may determine.

R.S.O. 1960, c. 332, s. 10, subs. 1, re-enacted

3. Subsection 1 of section 10 of *The Public Service Superannuation Act*, as amended by subsection 1 of section 8 of *The Public Service Superannuation Amendment Act, 1966*, is repealed and the following substituted therefor:

Disability allowance

(1) Every contributor who,

(*a*) has contributed to the Fund in respect of a period of ten or more years; and

(*b*) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity,

is entitled to a disability allowance upon termination of his service.

R.S.O. 1960, c. 332, s. 11 (1966, c. 131, s. 9), subs. 2, re-enacted

4. Subsection 2 of section 11 of *The Public Service Superannuation Act*, as re-enacted by section 9 of *The Public Service Superannuation Amendment Act, 1966*, is repealed and the following substituted therefor:

(2) Every former contributor who has contributions locked in under subsection 2 of section 17 and who is not entitled to a payment under subsection 3 of section 17 is entitled to a deferred annuity commencing, Idem

(*a*) when he attains the age of sixty years if he has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966; or

(*b*) when he attains the age of sixty-five years.

5. Subsection 1 of section 16 of *The Public Service Superannuation Act*, as re-enacted by section 14 of *The Public Service Superannuation Amendment Act, 1966*, is amended by striking out "thirty" in the fourth line and inserting in lieu thereof "130", so that the subsection shall read as follows: R.S.O. 1960, c. 332, s. 16, subs. 1 (1966, c. 131, s. 14), amended

(1) Where a former contributor is, in the opinion of the Board, re-employed or engaged in any capacity in the service of the Crown and works for a period of more than 130 days in any one year, any allowance or annuity to which he is entitled during such re-employment or engagement shall not be paid in respect of such period. Re-employment

6. Clause *b* of section 18 of *The Public Service Superannuation Act*, as re-enacted by section 16 of *The Public Service Superannuation Amendment Act, 1966*, is amended by striking out "is retired by the Lieutenant Governor in Council" in the third and fourth lines and inserting in lieu thereof "and whose service is terminated", so that the clause shall read as follows: R.S.O. 1960, c. 332, s. 18 (1966, c. 131, s. 16), cl. *b*, amended

(*b*) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity and whose service is terminated in circumstances under which he is not entitled to a disability allowance or annuity; or

. . . . . .

7.—(1) Clause *a* of subsection 8 of section 20 of *The Public Service Superannuation Act*, as re-enacted by section 18 of *The Public Service Superannuation Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 332, s. 20 (1966, c. 131, s. 18), subs. 8, cl. *a*, re-enacted

(*a*) if, in the opinion of the Board, he was permanently incapacitated and wholly or substantially supported by her at the time of her death; and

. . . . . .

(2)

R.S.O. 1960, c. 332, s. 20 (1966, c. 131, s. 18), subs. 10, repealed

(2) Subsection 10 of the said section 20 is repealed.

R.S.O. 1960, c. 332, s. 21, re-enacted

8. Section 21 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

Payment of allowances and annuities

21. Allowances and annuities shall commence on the first day of the month next following the month during which the entitlement thereto occurred and shall be paid in monthly instalments.

R.S.O. 1960, c. 332, s. 27, amended

9. Section 27 of *The Public Service Superannuation Act*, as amended by section 12 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by inserting after "permanent" in the first line "and full-time probationary", so that the section shall read as follows:

Boards, commissions

27. This Part applies to the permanent and full-time probationary staff of any board, commission or foundation established under any Act of the Legislature that is designated by the Lieutenant Governor in Council.

R.S.O. 1960, c. 332, s. 28, subs. 1, amended

10.—(1) Subsection 1 of section 28 of *The Public Service Superannuation Act*, as amended by subsection 1 of section 13 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by striking out "subject to the approval of the Lieutenant Governor in Council" in the sixth and seventh lines and in the eighth and ninth lines, so that the subsection shall read as follows:

Arrangement for payment, out of Fund into another superannuation fund

(1) Where a contributor becomes a member of the civil service of Canada or of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature, a sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board determines, with interest at such rate as the Board determines, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be.

R.S.O. 1960, c. 332, s. 28, subs. 2, amended

(2) Subsection 2 of the said section 28, as amended by subsection 2 of section 13 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by striking out "subject to the approval of the Lieutenant Governor in Council" in the seventh and eighth lines, so that the subsection shall read as follows:

(2) Where a member of the civil service of Canada or of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature becomes a contributor and a sum of money is paid into the Fund in respect of the period during which he was a civil or civic servant or on the staff of the board, commission or public institution, the Board may allow him such credit in the Fund in respect of the sum and the period of service represented thereby as is determined. into Fund out of another superannuation fund

(3) Subsection 4 of the said section 28, as enacted by section 11 of *The Public Service Superannuation Amendment Act, 1961-62*, is amended by striking out "without regard to subsection 2 of section 11" in the ninth and tenth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 332, s. 28, subs. 4 (1961-62, c. 122, s. 11), amended

(4) An agreement entered into under subsection 3 may provide that, for the purpose of computing the minimum requirement of ten years of service for an allowance under section 10 or 20, service rendered to the other party to the agreement may be included up to the maximum set forth in the agreement, and any such allowance shall then be computed upon the service for which contributions have been made to the Fund. Idem

11. *The Public Service Superannuation Act* is amended by adding thereto the following section: R.S.O. 1960, c. 332, amended

28*a*.—(1) A contributor who resigns or otherwise terminates his service and who is re-employed within six months from the date of his resignation or termination of service and who again becomes a contributor, may reinstate his account in the Fund. Reinstatement when re-employed within six months

(2) Where a contributor who elects to reinstate his account under subsection 1 has withdrawn his prior contributions with interest thereon, he shall pay into the Fund the total amount withdrawn together with interest thereon calculated at the rate of 5 per cent per annum compounded annually from the date of the withdrawal of his contributions from the Fund to the date of payment into the Fund. Where prior contributions withdrawn

12. Section 35 of *The Public Service Superannuation Act*, as re-enacted by section 6 of *The Public Service Superannuation Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 332, s. 35 (1965, c. 111, s. 6), re-enacted

Audit

35. The Fund shall be audited by the Provincial Auditor, and he shall make an annual report in respect of the preceding fiscal year to the Treasurer, and the Treasurer shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commencement

13.—(1) This Act, except sections 4, 5 and 8, comes into force on the day it receives Royal Assent.

Idem

(2) Section 4 shall be deemed to have come into force on the 1st day of January, 1966.

Idem

(3) Section 5 shall be deemed to have come into force on the 1st day of September, 1968.

Idem

(4) Section 8 comes into force on the 1st day of January, 1970.

Short title

14. This Act may be cited as *The Public Service Superannuation Amendment Act, 1968-69*.

CHAPTER 104

An Act to amend The Public Vehicles Act

Assented to May 13th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 23 of *The Public Vehicles Act* is amended by striking out "$20" in the fourth line and inserting in lieu thereof "$50", so that the subsection shall read as follows: R.S.O. 1960, c. 337, s. 23, subs. 1, amended

(1) Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $200. Offences

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Public Vehicles Amendment Act, 1968-69*. Short title

CHAPTER 105

An Act to amend The Real Estate and Business Brokers Act

Assented to October 31st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *ba*, as enacted by subsection 1 of section 1 of *The Real Estate and Business Brokers Amendment Act, 1964*, and clause *c* of section 1 of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 1, cl. *ba* (1964, c. 99, s. 1, subs. 1), repealed; cl. *c*, re-enacted

(*c*) "Department" means the Department of Financial and Commercial Affairs;

(*ca*) "Director" means the Director of the Consumer Protection Division of the Department;

(*cb*) "Minister" means the Minister of Financial and Commercial Affairs;

(*cc*) "officer" means the chairman or vice-chairman of the board of directors, president, vice-president, secretary, treasurer or secretary-treasurer or general manager of a corporation or a partner or general manager of a partnership and includes the manager of the real estate department of a trust company.

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960, c. 344, s. 1, amended

(*l*) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*. 1966, c. 41

2. *The Real Estate and Business Brokers Act* is amended by striking out: R.S.O. 1960, c. 344, amended

(*a*) section 3;

(*b*)

(*b*) sections 4 and 5, as amended by sections 3 and 4, respectively, of *The Real Estate and Business Brokers Amendment Act, 1964*;

(*c*) sections 6, 7, 8 and 9, as re-enacted by section 5 of *The Real Estate and Business Brokers Amendment Act, 1964*;

(*d*) section 9*a*, as enacted by section 5 of *The Real Estate and Business Brokers Amendment Act, 1964*;

(*e*) section 10, as amended by section 5 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;

(*f*) section 11, as re-enacted by section 6 of *The Real Estate and Business Brokers Amendment Act, 1964*;

(*g*) sections 12 and 13, as amended by sections 6 and 7, respectively, of *The Real Estate and Business Brokers Amendment Act, 1962-63*;

(*h*) sections 14 and 15;

(*i*) section 17, as amended by section 8 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;

(*j*) sections 18, 19 and 20;

(*k*) section 21, as amended by section 9 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;

(*l*) section 22;

(*m*) section 23, as amended by section 10 of *The Real Estate and Business Brokers Amendment Act, 1962-63*;

(*n*) sections 24 and 25, as amended by sections 8 and 9, respectively, of *The Real Estate and Business Brokers Amendment Act, 1964*;

(*o*) section 26, as re-enacted by section 10 of *The Real Estate and Business Brokers Amendment Act, 1964*;

(*p*) section 29, as amended by section 11 of *The Real Estate and Business Brokers Amendment Act, 1964*;

(*q*) sections 30, 31, 32 and 33, as re-enacted by section 12 of *The Real Estate and Business Brokers Amendment Act, 1964*,

and inserting in lieu thereof the following:

Registration

3.—(1) No person shall,

(*a*) trade in real estate as a broker unless he is registered as a broker;

(*b*) trade in real estate as a salesman unless he is registered as a salesman of a registered broker;

(*c*) act on behalf of a corporation or partnership in connection with a trade in real estate unless he and the corporation or partnership are registered as brokers.

Change in partnership

(2) Any change in the membership of a partnership shall be deemed to create a new partnership for the purpose of registration.

Change in officers of corporation

(3) A change in the officers of a corporation registered as a broker may be made only with the consent of the Registrar.

Registration of branch offices

4.—(1) No broker shall conduct a business of trading in real estate from more than one place at which the public is invited to deal unless he is registered in respect of each such place, one of which shall be designated in the registration as the main office and the remainder as branch offices.

Management of branch offices

(2) Each branch office shall be under the supervision of a registered broker and each branch office having more than one registered salesman shall be under direct management by a registered broker or by a salesman who has been registered for at least two years and who is under the supervision of a registered broker.

Exemptions

5. Registration shall not be required in respect of any trade in real estate by,

(*a*) an assignee, custodian, liquidator, receiver, trustee or other person acting under the *Bankruptcy Act* (Canada), *The Corporations Act*, *The Judicature Act*, the *Winding-up Act* (Canada), or to a person acting under the order of any court, or an executor or trustee selling under the terms of a will, marriage settlement or deed of trust; R.S.C. 1952, cc. 14, 296 R.S.O. 1960, cc. 71, 197

(*b*) an auctioneer where the trade is made in the course of and as part of his duties as auctioneer;

(*c*)

1966, c. 142

(*c*) a person who is registered under *The Securities Act, 1966* where the trade is made in the course of and as part of his business in connection with a trade in securities;

(*d*) a bank or a loan, trust or insurance company trading in real estate owned or administered by the company;

R.S.O. 1960, c. 241

(*e*) a person in respect of any mine or mining property within the meaning of *The Mining Act* or in respect of the real estate included in a Crown grant or lease, a mining claim or mineral lands under *The Mining Act* or any predecessor thereof;

(*f*) a full-time salaried employee of a party to a trade where the employee is acting for or on behalf of his employer in respect of land situate in Ontario;

(*g*) a person who is practising as a solicitor of the Supreme Court where the trade is made in the course of and as a part of the solicitor's practice;

(*h*) a person, on his own account, in respect of his real estate, where such trade did not result from,

(i) an offer of such person to act, in connection with such trade or any other trade, for or on behalf of the other party or one of the other parties to the trade, or

(ii) a request that such person act, in connection with such trade or any other trade, for or on behalf of the other party or one of the other parties to the trade,

and the interest of such person in the real estate was acquired prior to such offer or request;

(*i*) a person in respect of the provision for another, for remuneration other than by commission, of all consultations, undertakings and services necessary to arrange for the routing of a right-of-way including the acquisition of land or interests in land for the purpose, and his employees engaged in the project; or

(*j*) a person specifically exempted by the regulations in respect of any class of trades in real estate.

Registration of agencies

6.—(1) An applicant is entitled to registration or renewal of registration except where,

(*a*) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;

(*b*) the application is for registration as a salesman and the applicant is not employed, appointed or authorized by a broker to trade in real estate on his behalf; or

(*c*) the applicant is or proposes to be in contravention of this Act or the regulations.

Conditions of registration

(2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations.

Registration of broker corporation

7.—(1) A corporation having share capital shall not be registered as a broker,

(*a*) unless the persons holding shares carrying at least 51 per cent of the voting rights attached to all shares of the corporation for the time being outstanding are registered brokers, but this clause does not apply to a corporation that is a trust company registered under *The Loan and Trust Corporations Act*; R.S.O. 1960, c. 222

(*b*) if any broker holding voting shares of the corporation acts as broker in respect of any other business registered as a broker or holds voting shares in any other corporation registered as a broker, but this clause does not apply to the holding of voting shares of a corporation that is a trust company registered under *The Loan and Trust Corporations Act* where the shares held do not give the holder a substantial interest; or

(*c*) if a salesman holds shares of the corporation carrying more than 10 per cent of the voting rights attached to all shares of the corporation for the time being outstanding.

Exception

(2) Clause *b* of subsection 1 does not apply to a corporation that is a trust company registered under *The Loan and Trust Corporations Act* in which a broker

holds

holds voting shares amounting to a substantial interest where the shares were held and the trust company was registered under this Act immediately before *The Real Estate and Business Brokers Amendment Act, 1968-69* came into force.

1968-69, c. 105

Shareholders other than brokers or salesmen

(3) A person other than a broker or salesman may hold voting shares of more than one corporation registered as brokers except that where such person holds voting shares in more than one such corporation he shall not hold more than 10 per cent of the voting shares of each such corporation for the time being outstanding.

Salesmen as shareholders

(4) A salesman shall not,

(*a*) acquire shares of a corporation registered as a broker unless the shares are acquired while he is a salesman for the corporation, but this clause does not apply to the acquisition of shares of a corporation that is a trust company registered under *The Loan and Trust Corporations Act*;

R.S.O. 1960, c. 222

(*b*) hold shares in more than one corporation registered as brokers, at the same time, other than shares of a corporation that is a trust company registered under *The Loan and Trust Corporations Act*; or

(*c*) become a salesman for another broker until he discloses his interest to such broker.

Revocation

8.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 or 7 if he were an applicant, or where the registrant is in breach of a condition of the registration.

Voluntary cancellation

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Hearing by Tribunal

9.—(1) Where the Registrar refuses to issue or renew a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the

Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

Stay of refusal to renew

(2) Where the Registrar refuses to renew a registration, the applicant shall be deemed to continue to be registered until an order is made by the Tribunal or until the time for requiring a hearing by the Tribunal expires, whichever occurs first.

Notice of hearing

(3) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Idem

(4) The notice of hearing shall contain,

(*a*) a statement of the time and place of the hearing;

(*b*) a statement of the statutory power under which the hearing is being held;

(*c*) a reference to the rules of procedure applicable to the hearing;

(*d*) a concise statement of the issues; and

(*e*) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings.

Parties

10.—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Failure to attend

(2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence.

Adjournment

11.—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,

(*a*) on its own motion; or

(*b*) on the motion of any party to the hearing.

Subpoenas

(2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.

Oaths

(3) The Tribunal may require any person,

(*a*) to give evidence on oath at a hearing; and

(*b*) to produce such documents and things as the Tribunal requires.

Objection re self-incrimination

R.S.O. 1960, c. 125
R.S.C. 1952, c. 307

(4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*.

Unsworn testimony

(5) The Tribunal may admit evidence not given under oath.

Offences

(6) Any person who, without lawful excuse,

(*a*) on being duly summoned as a witness before the Tribunal, makes default in attending; or

(*b*) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or

(*c*) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

Enforcement

(7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of party to counsel

12. Any party may be represented before the Tribunal by counsel or agent.

Right of witness to counsel

13.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. Exclusion of counsel

14. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. Right of parties at hearing

15.—(1) All hearings shall be open to the public except where the Tribunal finds that, Hearings to be open to public; exceptions

(*a*) public security may be involved; or

(*b*) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. Idem

16. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. Release of exhibits

17.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence. Specialized knowledge

(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information. Notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. Contents and service of notice

18. All oral evidence received by the Tribunal shall be taken down in writing and together with, Record

(*a*) the notice of hearing;

(*b*) any rulings or orders made in the course of the proceedings of the Tribunal;

(*c*) any written submissions received by the Tribunal; and

(*d*) the decision and the reasons therefor,

form the record.

Decision of Tribunal

19.—(1) The Tribunal may, after the hearing,

(*a*) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;

(*b*) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision to be in writing

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of reasons for decision

(3) The reasons for the final decision shall contain,

(*a*) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(*b*) any agreed findings of facts; and

(*c*) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of decision

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal.

Enforcement of decisions

20. A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Appeal to Court of Appeal

21.—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. Decision of court

(4) The decision of the Court of Appeal is final. Idem

22. An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately but the Tribunal may grant a stay until the order becomes final. Stay

23. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. Further applications

24.—(1) Where the Registrar receives a complaint in respect of a broker and so requests in writing, the broker shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires. Investigation of complaints

(2) The request under subsection 1 shall indicate the nature of the inquiry involved. Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the registrant to make an inspection in relation to the complaint. Idem

25.—(1) The Registrar or any person designated by him in writing may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts and the regulation of trades are being complied with. Inspection

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a broker or salesman while unregistered, the Registrar Idem

or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3 or 4.

Powers on inspection

26.—(1) Upon an inspection under section 24 or 25, the person inspecting,

(*a*) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and

(*b*) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility of copies

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in proof in any action, proceeding or prosecution as *prima facie* proof of the original.

Investigations

27.—(1) Where, upon a statement made under oath, it appears probable to the Director that any person has,

(*a*) contravened any of the provisions of this Act or the regulations; or

1953-54, c. 51 (Can.)

(*b*) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

Investigation by order of Minister

(2) Notwithstanding subsection 1, the Minister may by order appoint one or more persons to make an investigation into any matter to which this Act applies and the person appointed shall report the result of his investigation to the Minister.

Scope of investigation

(3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation.

Removal of records

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated.

Admissibility of copies

(5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original document or record.

Appointment of experts

(6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act.

Evidence by witness

(7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 11 and section 13 apply to the investigator and the witness in the same manner as to the Tribunal and witnesses before it.

Confidentiality

(8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation.

Report

28. Where, upon the report of an investigation made under subsection 1 of section 27, it appears to the Director that a person may have,

(*a*) contravened any of the provisions of this Act or the regulations; or

1953-54, c. 51 (Can.)

(*b*) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister.

Order to refrain from dealing with assets

29.—(1) The Director may,

(*a*) after an investigation of any person has been ordered under section 27; or

(*b*) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the

R.S.C. 1952, cc. 14, 296
R.S.O. 1960, cc. 197, 71

Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction.

Bond in lieu

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

(*a*) a personal bond accompanied by collateral security;

(*b*) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or R.S.O. 1960, c. 168

(*c*) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director determines.

Application for direction

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.

Notice to registrar of deeds, etc.

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice.

3. Subsection 1 of section 35 of *The Real Estate and Business Brokers Act* is amended by striking out "sales" in the first line and inserting in lieu thereof "trade", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 344, s. 35, subs. 1, amended

Books, etc., to be kept

(1) Every broker shall keep a trade record sheet in the prescribed form and proper books and accounts with respect to his trades and shall enter therein in the case of each trade,

. . . . .

4.

R.S.O. 1960, c. 344, s. 36, amended

4. Section 36 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following subsection:

Unclaimed trust moneys

(2) Where a broker holds moneys in trust for a period of one year after the person for whom it is held first became entitled to payment of the moneys and such person cannot be located, the broker shall pay the moneys to the Treasurer of Ontario who shall pay the moneys to the person appearing to the Treasurer to be entitled thereto.

R.S.O. 1960, c. 344, s. 37, re-enacted; s. 38, repealed

5. Section 37, and section 38 as amended by section 22 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor:

Notice of changes

37.—(1) Every broker shall, within five days after the event, notify the Registrar in writing of,

(*a*) any change in his address for service;

(*b*) any change in the officers in the case of a corporation or partnership;

(*c*) any commencement or termination of employment, appointment or authorization of a salesman.

Idem

(2) Every salesman shall, within five days after the event, notify the Registrar in writing of,

(*a*) any change in his address for service;

(*b*) any commencement or termination of his employment, appointment or authorization by a broker.

Idem

(3) The Registrar shall be deemed to be notified under subsections 1 and 2 on the day on which he is actually notified or, where the notification is by mail, on the day of mailing.

Financial statements

(4) Every broker carrying on the business of trading in real estate shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the proprietor or officer of the broker's business and certified by a person licensed under *The Public Accountancy Act*.

R.S.O. 1960 c. 317

Statement confidential

(5) The information contained in a financial statement filed under subsection 4 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement.

6. Section 45 of *The Real Estate and Business Brokers Act* is repealed. R.S.O. 1960, c. 344, s. 45, repealed

7. Section 47 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 47, re-enacted

47. No broker shall, Employment of unregistered person or salesman of other broker

(*a*) employ or engage the salesman of another broker to trade in real estate or permit such salesman to act on his behalf;

(*b*) employ or engage an unregistered person to trade in real estate or permit such person to act on his behalf; or

(*c*) pay any commission or other remuneration to any person referred to in clause *a* or *b*,

but this section does not prevent the employing, engaging or paying of a person who is duly registered or licensed as a broker or its equivalent in another jurisdiction in respect of a trade in that jurisdiction.

8. Section 49 of *The Real Estate and Business Brokers Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 49, re-enacted

49.—(1) No broker or salesman shall purchase, lease, exchange or otherwise acquire for himself or make an offer to purchase, lease, exchange or otherwise acquire for himself, either directly or indirectly, any interest in real estate for the purpose of resale unless he first delivers to the vendor a written statement that he is a broker or salesman, as the case may be, and the vendor has acknowledged in writing that he has received the statement. Statement where broker or salesman purchases for resale

(2) Where real estate in respect of which a broker or salesman is required to give a statement under subsection 1 is listed with the broker or, in the case of a salesman, is listed with the broker by whom the salesman is employed, appointed or authorized to trade in real estate, the statement shall include, Idem, where property listed with purchaser

(*a*) full disclosure of all facts within his special knowledge that affect or will affect the resale value of the real estate; and

(*b*) the particulars of any negotiation or agreement by or on behalf of the broker or salesman for the sale, exchange, lease or other disposition of any interest in the real estate to any other person.

9.

R.S.O. 1960, c. 344, s. 50, amended

9. Section 50 of *The Real Estate and Business Brokers Act* is amended by adding thereto the following subsection:

Date of signing listing or offer

(3) Every person signing a listing agreement or an agreement for sale or rental of real estate shall state with his signature the date upon which the signature was actually affixed.

R.S.O. 1960, c. 344, s. 51, subs. 2, cl. *d*, amended

10. Clause *d* of subsection 2 of section 51 of *The Real Estate and Business Brokers Act* is amended by inserting after "business" where it occurs the second time in the fourth line "has refused to do so or", so that the clause shall read as follows:

(*d*) that the person disposing of the business has made available such books of account of the business as he possesses for inspection by the person acquiring the business, or that the person disposing of the business has refused to do so or has no books of account of the business, as the case may be,

. . . . .

R.S.O. 1960, c. 344, s. 54*a* (1962-63, c. 123, s. 24) re-enacted

11. Section 54*a* of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Interpretation

54*a*. In sections 54*b* to 54*l*, "subdivision" means improved or unimproved land divided or proposed to be divided into five or more lots or other units for the purpose of sale or lease and includes land divided or proposed to be divided into condominium units.

R.S.O. 1960, c. 344, s. 54*c* (1962-63, c. 123, s. 24), subs. 1, cls. *a*, *b*, re-enacted

12. Clauses *a* and *b* of subsection 1 of section 54*c* of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, are repealed and the following substituted therefor:

(*a*) a copy of the prospectus referred to in section 54*b* or such shorter form of the prospectus as the Registrar may have approved for distribution to the public has been delivered to the prospective purchaser or tenant, as the case may be;

(*b*) the prospective purchaser or tenant has in writing acknowledged receipt of a copy of the prospectus or the shorter form of the prospectus and that he has been afforded the opportunity to read it; and

(*c*) he is a registered broker or the contract is negotiated by a registered broker.

13. Section 54*e* of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is amended by adding thereto the following clause: R.S.O. 1960, c. 344, s. 54*e* (1962-63, c. 123, s. 24) amended

(*e*) the proposed methods of offering do not accord with standard real estate practices in Ontario.

14. Subsection 1 of section 54*f* of *The Real Estate and Business Brokers Act*, as enacted by section 24 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 54*f* (1962-63, c. 123, s. 24) subs. 1, re-enacted

(1) The Registrar may make such inquiries in respect of a prospectus as he deems necessary, including, Inquiries, etc.

(*a*) an examination of the subdivision and any of the surrounding circumstances; and

(*b*) the obtaining of reports from public authorities or others within or outside Ontario.

15. *The Real Estate and Business Brokers Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 344, amended

54*k*. No person shall publish or cause to be published any advertisement for the sale of a lot or unit in a subdivision located outside Ontario until the advertisement has been approved by the Registrar. Approval of advertisements

54*l*. Sections 54*a* to 54*k* do not apply in respect of a sale of a lot or unit in a subdivision in which the vendor has not, within the previous five years, owned directly or indirectly five or more lots or units. Application of ss. 54*a* to 54*k*

16. Section 55, as re-enacted by section 14 of *The Real Estate and Business Brokers Amendment Act, 1964*, and section 57, as amended by section 15 of *The Real Estate and Business Brokers Amendment Act, 1964*, of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 55 (1964, c. 99, s. 14), s. 57, re-enacted

55. Where, in the opinion of the Registrar, a broker is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 9 to 21 apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. False advertising

Service

56.—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.

Idem

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing.

Exception

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal.

Restraining orders

57.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Court of Appeal from an order made under subsection 1.

Offences

57*a*.—(1) Every person who, knowingly,

(*a*) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;

(*b*) fails to comply with any order, direction or other requirement made under this Act; or

(*c*) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is $25,000 and not as provided therein. Corporations

(3) No proceedings under this section shall be instituted except with the consent of the Minister. Consent of Minister

(4) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director. Limitation

(5) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose. Idem

57*b*. A statement as to, Certificate as evidence

(*a*) the registration or non-registration of any person;

(*b*) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

(*c*) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or

(*d*) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

17.—(1) Clauses *b* and *c* of section 58 of *The Real Estate and Business Brokers Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 344, s. 58, cls. *b*, *c*, re-enacted

(*b*) requiring registrants or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;

(*c*) requiring and governing the books, accounts and records that shall be kept by registered brokers and providing for the disposition of unclaimed money;

(*ca*) governing applications for registration or renewal of registration and prescribing terms and conditions of registration.

R.S.O. 1960, c. 344, s. 58, cl. *g* (1962-63, c. 123, s. 26, subs. 2), re-enacted

(2) Clause *g* of the said section 58, as re-enacted by subsection 2 of section 26 of *The Real Estate and Business Brokers Amendment Act, 1962-63*, is repealed and the following substituted therefor:

(*g*) requiring registrants to make returns and furnish information to the Registrar;

(*ga*) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

R.S.O. 1960, c. 344, s. 58, amended

(3) The said section 58 is amended by adding thereto the following clauses:

(*ha*) prescribing further procedures respecting the conduct of matters coming before the Tribunal;

(*hb*) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof.

R.S.O. 1960, c. 344, s. 59 (1964, c. 99, s. 16), repealed

18. Section 59 of *The Real Estate and Business Brokers Act*, as re-enacted by section 16 of *The Real Estate and Business Brokers Amendment Act, 1964*, is repealed.

Unfinished proceedings

19.—(1) This Act does not apply in respect of any investigation, proceeding or prosecution commenced before this Act comes into force, except that any certificate required to be given by the Director of the Registration and Examination Branch of the Department and given after this Act comes into force shall be given by the Director of the Consumer Protection Division.

Director's knowledge imputed

(2) For the purpose of any prosecution commenced before or after this Act comes into force, any knowledge of the Director of the Registration and Examination Branch of the Department shall be imputed to the Director of the Consumer Protection Division.

Commencement

20. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

21. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1968-69*.

CHAPTER 106

An Act to establish The Regional Municipality of Niagara

Assented to June 27th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act, Interpretation

(*a*) "area municipality" means the municipality or corporation of the Town of Beamsville, the Town of Fort Erie, the Town of Grimsby, the City of Niagara Falls, the Town of Niagara-on-the-Lake, the Town of Pelham, the City of Port Colborne, the City of St. Catharines, the Town of Thorold, the Township of Wainfleet, the City of Welland and the Township of West Lincoln, all as constituted or continued by section 2;

(*b*) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;

(*c*) "chairman" means the chairman of the Regional Council;

(*d*) "debt" includes any obligation for the payment of money;

(*e*) "Department" means the Department of Municipal Affairs;

(*f*) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;

(*g*) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

(*h*) "land" includes lands, tenements, and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

(*i*) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

(*j*) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2;

(*k*) "Minister" means the Minister of Municipal Affairs;

(*l*) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 138;

(*m*) "Municipal Board" means the Ontario Municipal Board;

(*n*) "Regional Area",

(i) until the 1st day of January, 1970, means the area included within the counties of Lincoln and Welland, and

(ii) on and after the 1st day of January, 1970, means the area from time to time included within the area municipalities;

(*o*) "Regional Corporation" means The Regional Municipality of Niagara;

(*p*) "Regional Council" means the council of the Regional Corporation;

(*q*) "regional road" means a road forming part of the regional road system established under Part V;

(*r*) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

Constitution of area municipalities

2.—(1) On the 1st day of January, 1970,

(*a*) The Corporation of the Town of Beamsville and The Corporation of the Township of Clinton are amalgamated as a town municipality bearing the name of The Corporation of the Town of Beamsville and the portion of the Township of Louth, described as follows, is annexed to such town:

COMMENCING at a point in the southern boundary of the Township of Louth, where it is intersected by the southerly production of the line between lots 7 and 8 in Concession VIII of the said Township;

THENCE northerly to and along the line between lots 7 and 8 in concessions VIII, VII, VI and V respectively, to the middle of the main channel of the Fifteen Mile Creek, south of the King's Highway No. 8;

THENCE in a general northerly direction following the middle of the main channel of the Fifteen Mile Creek to its mouth at Lake Ontario;

THENCE northerly on the same course as the westerly boundary of the present Township of Louth, to the north boundary of the said Township as defined by subsection 2 of section 6 of *The Territorial Division Act*, being chapter 395 of the Revised Statutes of Ontario, 1960;

THENCE westerly along the north boundary of the Township of Louth as defined by subsection 2 of section 6 of *The Territorial Division Act*, to the northerly prolongation of the west boundary of the Township of Louth;

THENCE southerly along the last-mentioned prolongation being along the boundary between the Townships of Clinton and Louth, in accordance with the provisions of *The Territorial Division Act*, to the southerly high water mark of Lake Ontario;

THENCE southerly along the boundary between the present townships of Clinton and Louth to the southwest angle of the said Township of Louth;

THENCE easterly along the south boundary of the said Township of Louth being along the boundary between the townships of Louth and Pelham to the point of commencement;

(*b*) The Corporation of the Town of Fort Erie, The Corporation of the Township of Bertie and The Corporation of the Village of Crystal Beach are amalgamated as a town municipality bearing the name of The Corporation of the Town of Fort Erie and the portion of the Township of Willoughby, described as follows, is annexed to such town:

COMMENCING at the southwest corner of Lot 30, Adjoining Cross Concession, of the Township of Willoughby;

THENCE northerly along the west limit of said Lot 30 and across the road allowance between the Cross and Adjoining Cross Concessions to the southwest corner of Lot 15, Cross Concession, of the Township of Willoughby;

THENCE easterly along the north limit of the last-mentioned road allowance to the southeast corner of Lot 20 in the Broken Front Concession, southeast angle, of said Township of Willoughby;

THENCE northerly along the easterly limit of Lot 20 and its prolongation northerly to the centre line of the road allowance between lots 2 and 3 in the Broken Front Concession, Niagara River of the Township of Willoughby;

THENCE easterly along the last-mentioned centre of road allowance and its prolongation to the International Boundary between Canada and the United States of America in the Niagara River;

THENCE southeasterly along the said International Boundary through the said Niagara River, to the easterly prolongation of the southern boundary of the said Township of Willoughby;

THENCE westerly along the last-mentioned prolongation and along the southerly boundary of the Township of Willoughby to the place of beginning.

(*c*) The Corporation of the Town of Grimsby and The Corporation of the Township of North Grimsby are amalgamated as a town municipality bearing the name of The Corporation of the Town of Grimsby;

(*d*) The Corporation of the City of Niagara Falls and The Corporation of the Village of Chippawa are amalgamated as a city municipality bearing the name of The Corporation of the City of Niagara Falls and the portions of the townships of Crowland, Humberstone and Willoughby, described as follows, are annexed to such city:

FIRSTLY, part of the Township of Crowland, commencing at the northeast angle of the Township of Crowland being at a point in the middle of the main channel of the Welland River;

THENCE westerly along the middle of the main channel of the Welland River being along the boundary between the Township of Crowland and the City of Niagara Falls, to the northerly prolongation of the line between lots 9 and 10 in the Broken Front Concession of the said Township of Crowland;

THENCE southerly to and along the line between lots 9 and 10 in the Broken Front Concession and between lots 9 and 10 in concessions I to VII both inclusive, and between lots 9 and 10 in the Gore and its extension southerly, to the southern boundary of the township of Crowland;

THENCE easterly along the southern boundary of the said Township being along the boundary between the townships of Crowland and Humberstone, to the southeast angle of the said Township of Crowland;

THENCE northerly along the eastern boundary of the Township of Crowland being along the boundary between the townships of Crowland and Willoughby, to the point of commencement;

SECONDLY, part of the Township of Humberstone, commencing at the southeast angle of the Township of Crowland;

THENCE westerly along the boundary between the townships of Humberstone and Crowland, to the southerly prolongation of the line between lots 9 and 10 in the Gore of the said Township of Crowland;

THENCE southerly to the northeast corner of Lot 10, Concession 5, in the Township of Humberstone;

THENCE southerly along the easterly limit of said Lot 10, 1,000 feet;

THENCE easterly parallel with the south limit of the road allowance between the said townships of Humberstone and Crowland and its production easterly, to the easterly boundary of the Township of Humberstone;

THENCE northerly along the boundary between the townships of Humberstone and Bertie, to the northeasterly angle of the Township of Humberstone;

THENCE westerly along the north boundary of the said Township of Humberstone to the point of commencement;

THIRDLY, part of the Township of Willoughby, commencing at the northwesterly angle of the Township of Willoughby being at a point in the middle of the main channel of the Welland River;

THENCE southerly along the west boundary of the Township of Willoughby being along the boundary between the townships of Willoughby and Crowland, to the southwestern angle of Lot 15, in the Cross Concession of the Township of Willoughby;

THENCE easterly along the north limit of the road allowance between the Cross and Adjoining Cross Concessions to the southeast angle of Lot 20 in the Broken Front Concession, southeast angle, of the said Township of Willoughby;

THENCE northerly along the east limit of the said Lot 20 and its prolongation northerly to the centre line of the road allowance between lots 2 and 3 in the Broken Front Concession, Niagara River, of the said Township of Willoughby;

THENCE easterly along the last-mentioned centre of road allowance and its prolongation, to the International Boundary between Canada and the United States of America in the Niagara River;

THENCE in a general northerly direction along the said International Boundary to the easterly prolongation of a straight line joining the middle of the main channel of the Welland River at the west limit of the Township of Willoughby, with the middle of the said river where it enters the Niagara River;

THENCE westerly along the last-mentioned prolongation to the east limit of the Village of Chippawa;

THENCE southeasterly, southwesterly, westerly and northerly along the boundaries of the said village, to the middle of the main channel of the Welland River;

THENCE westerly following the middle of the main channel of the Welland River being along the north boundary of the Township of Willoughby to the point of commencement;

(*e*) The Corporation of the Town of Niagara and The Corporation of the Township of Niagara are amalgamated as a town municipality bearing the name of The Corporation of the Town of Niagara-on-the Lake;

(*f*) The Corporation of the Township of Pelham and The Corporation of the Village of Fonthill are amalgamated as a town municipality bearing the name of The Corporation of the Town of Pelham and the portion of the Township of Thorold, described as follows, is annexed to such town:

COMMENCING at a point in the westerly boundary of the Township of Thorold where it is intersected by the southerly limit of the right-of-way of The Hydro-Electric Power Commission of Ontario, crossing Lot 163 of the Township of Thorold;

THENCE southeasterly and easterly along the southerly limit of the said right-of-way, across lots 163, 162, and 161 of the Township of Thorold

to

to the southerly limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway as shown on Deposit Plan No. 9;

THENCE easterly following the south limit of the last-mentioned right-of-way to a point in Lot 160 distant 660 feet measured easterly at right angles from the eastern limit of Rice Road in the said Township of Thorold;

THENCE southerly parallel with the eastern limit of Rice Road, to a point in a line midway between Merritt Road and Quaker Road, the said point being in the line between the north and south halves of Lot 174 in the said Township of Thorold;

THENCE westerly along the said midway line and its prolongation, to a point in the western limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway;

THENCE southerly along the westerly limit of the said right-of-way to the northern limit of the City of Welland;

THENCE westerly along the northern limit of the City of Welland, to the east boundary of the Township of Pelham;

THENCE northerly along the east boundary of the Township of Pelham, being along the boundary between the townships of Pelham and Thorold, to the south boundary of the Village of Fonthill;

THENCE following the boundaries of the said Village, easterly, northerly and westerly to the west boundary of the Township of Thorold;

THENCE northerly along the western boundary of the Township of Thorold to the point of commencement;

(*g*) The portion of the Township of Humberstone, described as follows, is annexed to The Corporation of the City of Port Colborne:

COMMENCING

COMMENCING at a point in the northern high water mark of Lake Erie where it is intersected by the easterly boundary of the said Township of Humberstone;

THENCE northerly along the said easterly boundary being along the boundary between the townships of Humberstone and Bertie, to a point distant 1,000 feet measured southerly thereon from the easterly production of the south limit of the allowance for road between the townships of Crowland and Humberstone;

THENCE westerly parallel to the south limit of the last-mentioned allowance for road and its production westerly to the west bank of the New Welland Ship Canal, now under construction;

THENCE southwesterly along the said west bank to its intersection with the east bank of the present ship canal;

THENCE northerly along the last-mentioned bank of the present ship canal to a point distant 1,000 feet measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone, known as The Forks Road;

THENCE westerly parallel with the last-mentioned limit of road allowance to the western boundary of the Township of Humberstone;

THENCE southerly along the west boundary of the said Township of Humberstone being along the boundary between the townships of Humberstone and Wainfleet to the northwestern angle of the City of Port Colborne;

THENCE following along the northern, eastern and southern boundaries of the said City of Port Colborne, to the boundary between the townships of Humberstone and Wainfleet;

THENCE southerly along the prolongation of the boundary between the said townships to the International Boundary between Canada and the United States of America;

THENCE northeasterly along the said International Boundary, to the southerly prolongation of the eastern boundary of the said Township of Humberstone;

THENCE northerly along the last-mentioned prolongation, to the point of commencement;

(*h*) The portion of the Township of Louth, described as follows, is annexed to The Corporation of the City of St. Catharines:

COMMENCING at a point in the south boundary of the Township of Louth where it is intersected by the southerly prolongation of the line between lots 7 and 8 in Concession VIII;

THENCE northerly to and along the line between lots 7 and 8 across concessions VIII, VII, VI and V, to the middle of the main channel of the Fifteen Mile Creek south of the King's Highway Number 8;

THENCE northerly along the middle of the main channel of the Fifteen Mile Creek, to its outlet into Lake Ontario;

THENCE northerly on the same course as the westerly boundary of the Township of Louth, to the north boundary of the said Township being to a line in Lake Ontario as defined by subsection 2 of section 6 of *The Territorial Division Act*, being chapter 395 of the Revised Statutes of Ontario, 1960;

THENCE easterly along the last-mentioned line, to the northerly prolongation of the easterly boundary of the Township of Louth;

THENCE southerly along the last-mentioned prolongation, being along the boundary between the Township of Louth and the City of St. Catharines, to the southerly high water mark of Lake Ontario;

THENCE southerly, easterly and southerly continuing along the boundary between the Township of Louth and the City of St. Catharines, to the southeast angle of the said Township of Louth;

THENCE westerly along the south boundary of the Township of Louth being along the boundary between the Township of Louth and the Township

of

of Thorold and between the Township of Louth and the Township of Pelham, to the point of commencement;

(*i*) The portions of the townships of Crowland and Thorold, described as follows, are annexed to The Corporation of the Town of Thorold:

FIRSTLY, that part of the Township of Crowland lying between the middle of the main channel of the Welland River diversion to be constructed and the middle of the existing main channel of the present course of the Welland River (the constructed diversion to be defined in detail after completion), lying all in lots 16, 17, and 18 of the Broken Front Concession in the Township of Crowland;

SECONDLY, part of the Township of Thorold, commencing at the northwest angle of the original Township of Thorold;

THENCE southerly along the western boundary of the said Township to the southerly limit of the right-of-way of The Hydro-Electric Power Commission of Ontario crossing Lot 163 of the said Township;

THENCE southeasterly and easterly along the southerly limit of the said right-of-way, across lots 163, 162, and 161 of the Township of Thorold to the southerly limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway as shown on Deposit Plan No. 9;

THENCE easterly following the south limit of the last-mentioned railway right-of-way to a point in Lot 160 distant 660 feet measured easterly at right angles from the east limit of Rice Road;

THENCE southerly parallel to the said Rice Road to a point in the line between the north and south halves of Lot 174 of the said township being to the line midway between Merritt Road and Quaker Road;

THENCE easterly along the said midway line being along the line between the north and south halves of lots 174, 228, 227, 226, 225, 224, 223 and 222 and its production through Lot 215, Broken Front Concession, to the middle of the diverted course of the Welland River to be constructed;

THENCE northeasterly and easterly along the middle of the main channel of the said river, to the southeast angle of the said Township of Thorold;

THENCE northerly, westerly and northerly along the boundary between the said Township of Thorold and the City of Niagara Falls to the south boundary of the Town of Thorold;

THENCE following the southerly and westerly boundaries of the said Town of Thorold, to the northwest angle of the said Town being on the northern boundary of the Township of Thorold;

THENCE westerly along the northern boundary of the said Township, westerly, northerly and westerly, to the point of commencement;

(*j*) The Corporation of the Township of Wainfleet is continued;

(*k*) The portions of the townships of Crowland, Humberstone and Thorold, described as follows, are annexed to The Corporation of the City of Welland:

FIRSTLY, part of the Township of Crowland, commencing at a point in the north boundary of the City of Welland where it is intersected by the middle of the present main channel of the Welland River;

THENCE northeasterly and easterly along the middle of the present main channel of the Welland River, along the middle of the main channel of the diverted course of the said river to be constructed, and along the middle of the main channel of the Welland River to the northerly prolongation of the line between lots 9 and 10 in the Broken Front Concession of the said Township of Crowland;

THENCE southerly to and along the line between lots 9 and 10 in the Broken Front Concession, along the line between lots 9 and 10 in concessions I to VII, both inclusive, and along the line between lots 9 and 10 in the Gore of the said Township and its prolongation to the south boundary of the Township of Crowland;

THENCE westerly along the south boundary of the said Township of Crowland, being along the boundary between the townships of Crowland and Humberstone to the east boundary of the City of Welland;

THENCE northerly, westerly, northerly, westerly and northerly along the boundary between the Township of Crowland and the City of Welland, to the point of commencement;

SECONDLY, part of the Township of Humberstone, commencing at a point in the east boundary of the City of Welland where it is intersected by the boundary between the townships of Humberstone and Crowland;

THENCE easterly along the last-mentioned boundary to the southerly prolongation of the line between lots 9 and 10 in the Gore of the Township of Crowland;

THENCE southerly to the northeast corner of Lot 10, Concession 5, in the Township of Humberstone;

THENCE southerly along the easterly limit of said Lot 10, 1,000 feet.

THENCE westerly along a line parallel with the south limit of the road allowance between the said townships of Humberstone and Crowland, known as the Netherby Road, and its production westerly, to the west bank of the New Welland Ship Canal, now under construction, the limit of which to be defined in detail after completion;

THENCE southwesterly along the said west bank to its intersection with the east bank of the present ship canal;

THENCE northerly along the last-mentioned bank to a point distant 1,000 feet measured southerly at right angles from the south limit of the road allowance between concessions IV and V of the said Township of Humberstone, known as the Forks Road;

THENCE westerly parallel with the last-mentioned limit of the road allowance to the western limit of the said Township of Humberstone;

THENCE northerly along the west boundary of the said Township of Humberstone being along the line between the townships of Humberstone and Wainfleet, to the southern boundary of the present City of Welland;

THENCE easterly following the boundaries of the present City of Welland to the point of commencement;

THIRDLY, part of the Township of Thorold, commencing at a point in the north boundary of the City of Welland where it is intersected by the western limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway;

THENCE northerly along the western limit of the said railway to the line between the north and south halves of Lot 176 of the Township of Thorold, being to the line midway between Merritt Road and Quaker Road;

THENCE easterly along the said midway line being along the line between the north and south halves of lots 176, 175, 174, 228, 227, 226, 225, 224, 223 and 222 and its production through Lot 215, Broken Front Concession to the middle of the main channel of the Welland River;

THENCE southwesterly along the said middle of channel being along the southeast boundary of the Township of Thorold to its intersection with the north boundary of the City of Welland;

THENCE westerly along the said boundary of the City of Welland to the point of commencement;

(*l*) The Corporation of the Township of Caistor, The Corporation of the Township of Gainsborough and The Corporation of the Township of South Grimsby are amalgamated as a township municipality bearing the name of The Corporation of the Township of West Lincoln.

Dissolution of police villages

(2) The following police villages are dissolved on the 1st day of January, 1970:

1. The Police Village of Campden.

2. The Police Village of Fenwick.

3. The Police Village of Jordan.

4. The Police Village of Jordan Station.

5. The Police Village of Queenston.

6. The Police Village of St. Davids.

7. The Police Village of Vineland.

Amalgamations and annexations deemed by Municipal Board orders

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 10 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

R.S.O. 1960, c. 274

R.S.O. 1960, c. 249

Referendum re name of Town of Beamsville

(4) If directed by order of the Minister, a vote of the electors of the Town of Beamsville as established by clause *a* of subsection 1 shall be taken at the same time as the election for the first council of the Town, to determine from among the names designated by the Minister, which name the Town shall bear and, following the vote, the Minister shall by order,

(*a*) confirm the name of the Town as set out in clause *a* of subsection 1; or

(*b*) declare the name that the Town shall bear,

and where a declaration is made under clause *b*, all references to the Town shall be deemed to refer to the Town as designated in the declaration.

Composition of councils

3.—(1) On and after the 1st day of January, 1970, the council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and aldermen in the respective area municipalities as follows:

1. Town of Beamsville—eight aldermen elected by wards.

2. Town of Fort Erie—twelve aldermen, eleven elected by wards and one elected by general vote.

3. Town of Grimsby—eight aldermen elected by general vote.

4. City of Niagara Falls—twelve aldermen elected by wards.

5. Town of Niagara-on-the-Lake—eight aldermen elected by general vote.

6. Town of Pelham—six aldermen elected by wards.

7. City of Port Colborne—eight aldermen elected by wards.

8. City of St. Catharines—twelve aldermen elected by wards.

9. Town of Thorold—ten aldermen elected by general vote.

10. Township of Wainfleet—four aldermen elected by general vote.

11. City of Welland—fourteen aldermen elected by wards.

12. Township of West Lincoln—six aldermen elected by wards.

Election and term of office

(2) With respect to the area municipalities, except the Township of Wainfleet, elections of the first councils thereof shall be held in the year 1969, and the day for polling shall be the 6th day of October and the first councils elected shall hold office for the years 1970, 1971 and 1972.

Idem

(3) For the purposes of the elections of the first councils of the area municipalities, except the Township of Wainfleet,

(*a*) the Minister shall by order,

(i) divide into wards the Town of Beamsville, the Town of Fort Erie, the City of Niagara Falls, the Town of Niagara-on-the-Lake, the Town of Pelham, the City of Port Colborne,

the

the City of St. Catharines, the City of Welland and the Township of West Lincoln, all as constituted by section 2, and make provision for the respective numbers of aldermen to be elected in the respective wards,

(ii) with respect to the Town of Fort Erie and the City of Niagara Falls, make provision that only persons whose principal place of residence was continuously since the 1st day of January, 1969, in such wards are eligible to be elected as aldermen for such wards,

(iii) fix the days, times and places of nominations, and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, and

(iv) provide for such other matters as he considers necessary to hold the elections; and

(*b*) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* R.S.O. 1960, c. 249 and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1969, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

(4) With respect to the Township of Wainfleet, Wainfleet

(*a*) the reeve, deputy reeve and three councillors in office on the day this Part comes into force shall hold office until the 31st day of December, 1970, or until their successors are elected or appointed, and, on and after the 1st day of January, 1970, the reeve shall be known as the mayor and the deputy reeve and councillors shall be known as aldermen; and

(*b*) an election shall be held in the year 1970 to elect a mayor and four aldermen who shall hold office for the years 1971 and 1972.

(5) With respect to the City of Niagara Falls, the provisions of subsection 3 shall apply in respect of the election of council for the years 1973 and 1974. Election Niagara Falls 1972

(6) The mayor of the Town of Niagara-on-the-Lake shall be known as the Lord Mayor. Mayor of Niagara-on-the-Lake

(7)

Organization committee in 1969

(7) The members of the council of each area municipality elected in the year 1969 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses of first elections

(8) The expenses of the local municipalities for the elections to elect members of the Regional Council and of the councils of the area municipalities in the year 1969 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Meetings of electors for nomination of candidates and polling day

4.—(1) In every area municipality,

(*a*) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter on the second Monday preceding the first Monday in December; and

(*b*) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

Place of nomination meeting

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Term of office

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Resident voters' list
R.S.O. 1960, c. 254

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received.

Commencement of Part

5. This Part comes into force on the day this Act receives Royal Assent.

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

Regional Corporation constituted

6.—(1) On the 15th day of October, 1969, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of Niagara".

Deemed municipality under R.S.O. 1960, cc. 98, 274

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional Area deemed county for judicial purposes R.S.O. 1960, c. 395

(3) On and after the 1st day of January, 1970, each of the judicial districts of Niagara North and Niagara South, as described in section 5*a* of *The Territorial Division Act*, shall be deemed to be a county for all judicial purposes.

Appointments for counties of Lincoln and Welland deemed appointments for Niagara North and Niagara South

(4) Every person who held an office or appointment under any Act on the 31st day of December, 1969, in and for the County of Lincoln or in and for the County of Welland shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1970, in and for the Judicial District of Niagara North or in and for the Judicial District of Niagara South, as the case may be.

Regional Council to exercise corporate powers

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers exercised by by-laws

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be quashed as unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition of Regional Council

8.—(1) The Regional Council shall consist of twenty-nine members composed of a chairman and,

(*a*) in the year 1969, the mayor-elect of each area municipality and the reeve of the Township of Wainfleet and thereafter the head of the council of each area municipality;

(*b*) five members elected by general vote of the electors of the area municipality of the City of St. Catharines;

(*c*)

(*c*) three members elected by general vote of the electors of the area municipality of the City of Niagara Falls;

(*d*) two members elected by general vote of the electors of the area municipality of the City of Welland;

(*e*) one member elected respectively by general vote of the electors of each of the area municipalities of the Town of Beamsville, the Town of Fort Erie, the Town of Grimsby, the Town of Niagara-on-the-Lake, the City of Port Colborne and the Town of Thorold.

Appointment of chairman by Lieutenant Governor in Council

(2) The chairman shall be appointed by the Lieutenant Governor in Council before the 15th day of October, 1969, to hold office at pleasure during the years 1969 to 1972 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Biennial appointment of chairman

(3) At the first meeting of the Regional Council in the year 1973 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 20 shall preside until the chairman is elected.

Resignation from area council

(4) Where the head of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant, and an election shall be held in such municipality forthwith to elect a head of council, except where the vacancy occurs during the last nine months of the term of office of the head of council in which case section 150 of *The Municipal Act* applies, and the expenses of such election shall be borne by the Regional Corporation.

R.S.O. 1960, c. 249

Failure to elect chairman

(5) If at the first meeting of the Regional Council in the year 1973 and any subsequent first meeting a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

Elections

9.—(1) The election of the members of the Regional Council to be elected by general vote of the electors of an area municipality as provided in section 8, subject to any order of the Minister under subsection 2, shall be held at the same times and in the same manner as the election of the mayor of such area municipality, and the members so elected at the elections to be held in the year 1969 shall hold office for the years 1969 to 1972 inclusive, and thereafter such members, commencing with the members to take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new Regional Council is organized.

1969 election

(2) For the purposes of the elections to be held in the year 1969 of the members of the Regional Council to be elected by general vote of the electors of the area municipalities,

(*a*) the Minister may by order fix the days, times and places of nominations, and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, and such other matters as he may deem necessary to carry out the elections; and

(*b*) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* and are resident in a local municipality within the Regional Area for the period between the 1st day of January, 1969, and the day of the poll are entitled to be entered on the voters' list in addition to those so ordinarily entitled.

R.S.O. 1960 c. 249

Qualifications

(3) A person is eligible to be elected a member of the Regional Council by the electors of an area municipality if he is eligible to be elected a member of the council of the area municipality or to be appointed to fill a vacancy in the office of a member so elected, but no person, except a mayor, may be a member of the Regional Council and the council of an area municipality at the same time.

Disqualification

(4) Section 35 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

First meeting 1969

10.—(1) The first meeting of the Regional Council shall be held on or after the 15th day of October, 1969, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First meeting of area councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1970 and in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January, and in the year 1970 the first meeting shall be called by the mayor-elect at such time and place as he may designate.

First meeting of Regional Council

(3) The first meeting of the Regional Council in the year 1970 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

Certificate of qualification

(4) A person entitled to be a member *ex officio* of the Regional Council shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality of which he is the head of the council and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council.

Oath of allegiance, declaration of qualification

(5) The chairman, before taking his seat, shall take an oath of allegiance (Form 1) and a declaration of qualification (Form 2).

Declarations of office R.S.O. 1960, c. 249

(6) No business shall be proceeded with at the first meeting until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When Council deemed organized

(7) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12.

Place of meeting

11. Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints.

Quorum voting

12.—(1) Fifteen members of the Regional Council representing at least six area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman vote

13.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 3 of section 8, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. Idem

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality from which he was elected shall by by-law within thirty days after the vacancy occurs appoint a successor, who is eligible to be elected a member of the Regional Council, to hold office for the remainder of the term of his predecessor. Other members

(5) Section 144 of *The Municipal Act*, except clauses *f*, *g* and *h*, applies to the Regional Council. When seat to become vacant R.S.O. 1960, c. 249

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. Where head of council incapacitated

14.—(1) Members of the Regional Council, other than the chairman, may be paid, on and after the 1st day of January, 1970, such annual and other remuneration as the Regional Council may determine. Remuneration

(2) For the year 1973 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine. Idem

15.

Committees of Council

15.—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it deems expedient.

Remuneration of committee chairman

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council.

Procedural by-laws

16. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of Council

17.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief administrative officer

(2) The Regional Council may by by-law appoint a chief administrative officer, who,

(*a*) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

(*b*) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(*c*) shall hold office during the pleasure of the Regional Council; and

(*d*) shall receive such salary as the Regional Council by by-law determines.

Application of R.S.O. 1960, c. 249, s. 239

(3) Subsection 2 of section 239 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2.

Acting chairman

18. When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

Application of R.S.O. 1960, c. 249

19.—(1) Sections 192, 193, 195, 197, 198, 253, 275 to 280, and 406*a* of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

(2) Sections 190, 198*a*, 198*b*, 199 and 244 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Council. Idem R.S.O. 1960, c. 249

20.—(1) The Regional Council shall appoint an officer, whose duty it is, Appointment of officer and his duties

(*a*) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;

(*b*) if required by any member present, to record the name and vote of every member voting on any matter or question;

(*c*) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and

(*d*) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy who shall have all the powers and duties of the officer appointed under subsection 1. Deputy officer

(3) When the office of the officer appointed under subsection 1 is vacant or the incumbent is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting officer *pro tempore* who shall have all the powers and duties of the officer appointed under subsection 1. Acting officer

(4) The chairman appointed under subsection 2 of section 8 shall appoint an acting officer who shall have all the powers and duties of an officer under subsection 1 for the purposes of the first meeting of the Regional Council in the year 1969 and thereafter until the Regional Council appoints an officer under this section. Acting officer, first meeting 1969

(5) An officer appointed under this section is deemed to be the clerk of the Regional Corporation for the purposes of every Act. Officer deemed clerk under other Acts

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of an officer appointed under section 20, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Minutes open to inspection and copies to be furnished

Corporation

Corporation made to the Regional Council or any of its committees, and the officer within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of by-laws affecting land

(2) The officer appointed under section 20 shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies certified by officer to be receivable in evidence

(3) A copy of any record, book or document in the possession or under the control of an officer appointed under section 20, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appointment of financial officer

22.—(1) The Regional Council shall appoint a financial officer to undertake the duties of a treasurer and such financial officer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy financial officer

(2) The Regional Council may appoint a deputy financial officer who shall have all the powers and duties of the financial officer.

Acting financial officer

(3) When the office of financial officer is vacant or the financial officer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting financial officer *pro tempore* who shall have all the powers and duties of the financial officer.

Financial officer deemed treasurer under other Acts

(4) A financial officer appointed under this section is deemed to be the treasurer of the Regional Corporation for the purposes of every Act.

Receipt and disbursement of money

23.—(1) The financial officer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the financial officer shall be signed by the financial officer and by some other person or persons designated for the purpose

by

by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing of cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

(*a*) designate one or more persons to sign cheques in lieu of the financial officer; and

(*b*) provide that the signature of the financial officer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash fund

(3) The Regional Council may by by-law provide that the financial officer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

Member of Council, when he may be paid for work

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the financial officer for any work or service performed or to be performed.

Financial officer's liability limited

(5) The financial officer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

Bank accounts

24. Subject to subsection 3 of section 23, the financial officer shall,

(*a*) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;

(*b*) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and

(*c*) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the financial officer vary from such provisions.

25.

Monthly statement by financial officer

25.—(1) The financial officer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to sureties

(2) Where the financial officer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appointment of auditors

26.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation.

Cost of audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof.

Disqualification of auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Department.

Audit of accounts before payment

(5) The Regional Council may provide that all accounts shall be audited before payment.

Application of R.S.O. 1960, c. 249

27.—(1) Sections 217, 223, 223*a*, 230, 232, 233, 234 and 236, subsections 1, 4 and 5 of section 238, sections 239, 240, 246 and 248*c* and paragraphs 58, 59, 60, 61 and 62 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Pensions

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional

Area or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

Sick leave credits

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof or a suburban roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of continuation of employment by Regional Council

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1969, is employed by the County of Lincoln or the County of Welland or by any suburban roads commission or the Niagara District Health

Unit

Unit or in any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act.

Entitlement to salary

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1970, of not less than he was receiving on the 1st day of April, 1969, and such wage or salary shall include any increase that comes into effect as of the 1st day of July, 1969, where such increase was established by a by-law or a union contract passed or approved before the 1st day of April, 1969, and such wage or salary as is governed by a collective agreement in the process of being negotiated before the 1st day of July, 1969, shall be his wage or salary as of the 1st day of July, 1969.

Application of 1961-62, c. 97

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

Offer of continuation of employment by area council

(9) The employees of the local municipalities and the local boards thereof within the Regional Area which are amalgamated or annexed in whole or in part to form an area municipality who were employed by such a local municipality or local board on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1970, not less than he was receiving on the 1st day of April, 1969.

Sick leave credits

(10) Any sick leave credits standing, on the 31st day of December, 1969, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in the sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Termination of employment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Commencement of Part

28. This Part comes into force on the day this Act receives Royal Assent.

PART III

PART III

REGIONAL WATERWORKS SYSTEM

Establishment of waterworks

29.—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system.

Waterworks utilities commission prohibited

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission.

Assumption of works and mains

30.—(1) The Regional Council shall, before the 31st day of December, 1969, pass by-laws which shall be effective on the 1st day of January, 1970, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation.

Idem

(2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed.

Interpretation

(3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it.

Extension of time

(4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1969, and in that case the by-law becomes effective on the date provided therein.

Regional liability

(5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board,

(*a*) no compensation or damages shall be payable to the area municipality or local board;

(*b*) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1960, c. 223

Default

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling of doubts

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Interpretation

(8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses.

Existing agreements

31.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Rates

(2) Notwithstanding subsection 1 and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement.

Powers of area municipalities restricted

32.—(1) No area municipality, after the 31st day of December, 1969, shall establish, maintain or operate any works for the production, treatment and storage of water.

(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation. Proviso

33.—(1) No municipality or local board thereof that is supplied with water by the Regional Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Regional Council. Supply beyond limits of local municipality

(2) Nothing in subsection 1 prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 15th day of October, 1969, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation. Proviso

34.—(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied. Regulation of supply, etc.

(2) Where, immediately before the 1st day of January, 1970, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act, 1960-61*, the Regional Corporation may continue to fluoridate the water supply to such area. Continuation of fluoridation of water supply in area 1960-61, c. 30

35. The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality. Maintenance, management, etc.

36.—(1) The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable. Rates

Idem

(2) In fixing the rates, the Regional Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.

Self-sustaining

(3) The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

R.S.O. 1960, c. 274, s. 53, subs. 1 cl. *k*, not applicable

(4) Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* does not apply with respect to water supplied by the Regional Corporation to an area municipality.

Retail sale prohibited

37.—(1) The Regional Corporation shall supply water to the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

Sale to other municipalities

(2) The Regional Corporation may enter into a contract for the supply of water to any local or regional municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Books and accounts

38. The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Department.

Application of revenues R.S.O. 1960, c. 335

39.—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues in respect of the regional waterworks system shall be applied only for,

(*a*) the reduction of any indebtedness assumed or incurred with respect to the system;

(*b*) the operation, maintenance, renewal, improvement or extension of the system;

(*c*) the establishment of such reserve funds as the Regional Council may deem proper, to be used at any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

Where levy unnecessary

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt.

Reserve fund

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund.

R.S.O. 1960, c. 408

Application of reserve fund

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the regional waterworks system.

Disposal of property

40.—(1) Subject to section 47, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system, that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system, but where the property is actually used for the purposes of the waterworks system no such sale, lease or other disposition shall be made without the approval of the Municipal Board.

Proceeds

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system.

Temporary shut-offs

41.—(1) The Regional Corporation is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown, or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water.

No breach of contract

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done

under

under this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation.

Standards for local systems

42.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws.

Approval of local extensions and connections

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council.

Appeal

43. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

(*a*) to assume as a regional work any local work;

(*b*) to construct any extension of the regional distribution system;

(*c*) to maintain or increase the supply of water to the area municipality;

(*d*) to approve the construction or extension of any local water distribution works by the area municipality; or

(*e*) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it deems advisable in the matter, and the decision of the Municipal Board is final.

Payment of charges

44.—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council.

Discounts and penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for

water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate not exceeding one-half of 1 per cent for each month or fraction thereof while such default continues.

Transfer of rights over works assumed

45. The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed.

Inspection of local works

46. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Reversion where mains no longer required

47. Where a distribution main has been assumed by the Regional Corporation under section 30 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality.

Use of regional works

48. The works and mains assumed by the Regional Corporation under section 30, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 37, to any local or regional municipality outside the Regional Area.

Commencement of Part

49. This Part comes into force on the day this Act receives Royal Assent.

PART IV

PART IV

REGIONAL SEWAGE WORKS

Interpretation

50.—(1) In this Part,

(*a*) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;

(*b*) "land drainage" means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;

(*c*) "sewage" means domestic sewage or industrial wastes, or both;

(*d*) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;

(*e*) "sewer" means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;

(*f*) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;

(*g*) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;

(*h*) "work" means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

Idem

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council.

General powers

51.—(1) For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional

Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.

Sewage works utilities commission prohibited

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission.

Construction, etc., of trunk sewage works

52. The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

Assumption of treatment works

53.—(1) The Regional Council shall, before the 31st day of December, 1969, pass by-laws which shall be effective on the 1st day of January, 1970, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

Other works

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1970.

Idem

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

Extension of time

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1969, and in that case the by-law becomes effective on the date provided therein.

Regional liability

(5) Where the Regional Corporation assumes a work or watercourse vested in an area municipality or local board,

(*a*) no compensation or damages shall be payable to the area municipality or local board;

(*b*) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect

of

of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1960, c. 223

Default

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling of doubts

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Existing agreements

54.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Idem

(2) Where any local municipality or a local board thereof within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Termination

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder.

Powers of area municipalities restricted

55.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council.

Idem (2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1969, without the approval of the Regional Council.

Regulation of system, etc. **56.** The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal.

Special benefit **57.**—(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Debt payments (2) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality.

Raising of money by area municipality (3) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

R.S.O. 1960, c. 249

Connecting to regional works or watercourses **58.**—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a

regional

regional work or watercourse without the approval of the Regional Council.

Agreements with other municipalities

(2) The Regional Corporation may enter into a contract with any local or regional municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Inspection

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the regional work or watercourse.

Standards for local systems

59.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws.

Approval of local extensions, etc.

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council.

Appeal

60. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

(*a*) to assume as a regional work any local work;

(*b*) to construct, extend or improve any regional work;

(*c*) to receive any required volume of sewage or land drainage from the area municipality;

(*d*) to approve the construction, alteration, improvement or extension of a local work;

(*e*) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it deems advisable in the matter, and the decision of the Municipal Board is final.

Special sewage service rates

61.—(1) The Regional Council may pass by-laws, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works.

Idem

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council.

Raising of money by area municipality R.S.O. 1960, c. 249

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

Contribution towards cost of separation of combined sewers

62. The Regional Council may contribute toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality, the construction of which commenced on or after the 1st day of January, 1969, such amount as it deems proper, not exceeding 25 per cent of the total cost thereof to the area municipality.

Transfer of rights over works assumed

63. The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

Inspection of local works

64. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Use of regional works

65. Any works assumed by the Regional Corporation under section 53, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving

and

and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 58, from any local or regional municipality outside the Regional Area.

Commencement of Part

66. This Part comes into force on the day this Act receives Royal Assent.

PART V

REGIONAL ROAD SYSTEM

Interpretation

67. In this Part,

(*a*) "approved" means approved by the Minister or of a type approved by the Minister;

(*b*) "construction" includes reconstruction;

(*c*) "Department" means the Department of Highways;

(*d*) "maintenance" includes repair;

(*e*) "Minister" means the Minister of Highways;

(*f*) "road authority" means a body having jurisdiction and control of a highway.

County roads to constitute regional road system until established by by-law

68.—(1) On and after the 1st day of January, 1970, all roads under the jurisdiction and control of the County of Lincoln and the County of Welland on the 31st day of December, 1969, shall constitute the regional road system until a by-law passed under subsection 3 is in force and is effective.

Adding or removing roads by by-law

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality as may be agreed upon between the Regional Council and the council of the municipality.

By-law establishing system

(3) A by-law shall be passed under subsection 2 and submitted not later than the 31st day of March, 1970, to the Minister for approval by the Lieutenant Governor in Council, which by-law shall establish the regional road system and designate the roads to be included in and those removed from the regional road system as constituted under subsection 1.

Transfer of provincial highway to Regional Corporation

(4) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the Regional Area to the Regional Corporation

and

and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*. R.S.O. 1960, c. 171

(5) While a road or a part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold of such road or part is vested in the Regional Corporation. Vesting of roads in Regional Corporation

(6) The Lieutenant Governor in Council may remove any road from the regional road system. Removal of roads from regional road system

(7) Where a road or part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 79, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road. Roads removed from system

(8) The Regional Council shall on or before the 1st day of May, 1975, pass a by-law consolidating all by-laws relating to the regional road system and shall at intervals of not more than five years thereafter pass similar consolidating by-laws. Consolidating by-law

(9) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part, and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council. Approval of by-laws

69.—(1) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary. Plan of construction and maintenance

(2) The Regional Corporation shall submit a by-law covering the estimated expenditure on regional roads for the calendar year to the Department for the Minister's approval, not later than the 31st day of March of the year in which the expenditure is to be made. Submission of by-law covering estimated expenditure

Supplementary by-law

(3) The Regional Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on regional roads supplementing the by-law submitted under subsection 2.

Subsidy

(4) No subsidy shall be granted by the Department for work undertaken by the Regional Corporation that has not been provided for by a by-law duly approved by the Minister.

Information to Minister

70. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road it shall furnish the Minister with such detailed information as he may require.

Annual statement to Minister

71.—(1) The Regional Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister,

(*a*) a detailed statement of receipts and expenditures in the form prescribed by the Minister;

(*b*) a declaration of the person appointed under section 92 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;

(*c*) a declaration of the financial officer of the Regional Corporation that the statement of receipts and expenditures is correct; and

(*d*) a request for the payment of the grant, authorized by resolution of the Regional Council.

Payment to Regional Corporation

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the financial officer of the Regional Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Advance payments

(3) Notwithstanding subsection 2 but subject to section 69, the Minister may, in his discretion, direct payment to the Regional Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

(*a*) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

(*b*) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

Payment for road improvement

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the regional road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the Regional Corporation, direct payment to the financial officer of the Regional Corporation out of the moneys appropriated therefor by the Legislature of such amount as he deems requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Contribution towards expenditures

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Expenditure for construction, maintenance or repair

72. The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Corporation, and in all cases the Minister shall determine the amount of the expenditure for construction or maintenance or for the purchase or maintenance of road machinery, plant and equipment that is properly chargeable to road improvement, and his decision is final.

Powers over roads assumed

73. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Lincoln or The Corporation of the County of Welland or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any suburban roads commission which had jurisdiction over the roads before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of Lincoln or the County of Welland or the area municipality or municipalities or suburban roads commission, as the case may be, might have done if the roads had not become part of the regional road system.

Sidewalks excepted

74.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any regional road or portion thereof, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 443 of *The Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1960, c. 249

Area municipalities may construct sidewalks, etc.

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council.

How cost provided

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

R.S.O. 1960, c. 223

Area municipality to conform to requirements and be responsible for damages

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1960, c. 171, s. 100, subs. 4, not to apply

(5) Subsection 4 of section 100 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

Installation of traffic control devices

75.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than the King's Highway, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon, entering or leaving a regional road.

Relocation of intersecting roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a regional road.

Approval

(3) No road shall be relocated, altered or diverted under subsection 2 without the approval of the area municipality in which the road is located, which approval may be granted

upon

upon such terms and conditions as may be agreed upon, or failing such approval or agreement, the approval of the Municipal Board.

Hearing etc.

(4) The Municipal Board, before giving its approval under subsection 3, shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the area municipality concerned and to such other persons in such manner as the Municipal Board may direct and the Municipal Board, as a condition to giving any such approval, may by its order impose such restrictions, limitations and conditions respecting the relocation, alteration or diversion of such road as to the Municipal Board may appear necessary or expedient.

Construction of storm sewer, etc., on area municipality road

(5) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*. R.S.O. 1960, c. 223

Intersection of other roads by regional road

76. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road intersected is a part of the regional road system.

Dedication of lands abutting regional roads for widening purposes

77. When land abutting on a regional road is dedicated for highway purposes for, or apparently for, the widening of the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

New roads

78.—(1) The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 68 by assuming such new roads as part of the regional road system and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*. R.S.O. 1960, c. 249

Agreements re controlled-access highways

(2) On and after the 1st day of January, 1970, the Regional Corporation is authorized to enter into agreements with the Minister under section 94*a* of *The Highway Improvement Act* with respect to roads within the Regional Area and thereafter no area municipality shall enter into such agreements, and all R.S.O. 1960, c. 171

such

such agreements entered into before such date by a local municipality within the Regional Area shall thereafter be deemed to be agreements entered into by the Regional Corporation.

Powers and liabilities of Regional Corporation

79. With respect to the regional roads and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city under *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1960, cc. 249, 172

Erection of gasoline pump and advertising device near regional road

80.—(1) The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of,

(*a*) any gasoline pump within 150 feet of any limit of a regional road; and

(*b*) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

By-laws of area municipalities regulating traffic

81.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

Signal-light devices

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution toward cost of signal-lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic control within 100 ft. of regional roads

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional

road

road and where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Use of untravelled portions of regional roads for parking R.S.O. 1960, c. 249

82. The Regional Council may by by-law empower the council of any area municipality to exercise the powers of the area municipality under section 469*a* of *The Municipal Act* in relation to the use of untravelled portions of regional roads within those portions of the area municipality in which land may be used for commercial or industrial purposes.

Agreements for pedestrian walks

83. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes as to maintenance, etc., of bridges and highways

84.—(1) Sections 452 and 454 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Idem

(2) When there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, and in the case of the regional municipality the officer appointed under section 20, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it may deem

just

just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary bridges R.S.O. 1960, c. 249

85. Clause *b* of subsection 1 of section 419 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Idem

86. Section 434 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Restrictions

87.—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 30 of *The Planning Act*.

R.S.O. 1960, c. 296

Conflict with local by-law

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 30 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Controlled-access roads

88.—(1) Subject to the approval of the Municipal Board, the Regional Council may by by-law designate any regional road, or any portion thereof, as a regional controlled-access road.

Closing municipal roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of application for approval for closing road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to

such

such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it deems proper refusing its approval or granting its approval upon such terms and conditions as it deems proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

(*a*) determining the portion or portions of the road that shall be closed;

(*b*) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and

(*c*) providing for the doing of such other acts as in the circumstances it deems proper.

Closing road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Idem

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Regional Corporation as it deems proper and may fix the amount of such costs.

Appeal

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may deem just.

(9)

Practice and procedure on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Court of Appeal is final.

R.S.O. 1960, c. 274, s. 95, not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads, etc., opening upon regional controlled-access road

89.—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1.

Service of notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof.

Failure to comply with notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $100 for a first offence and to a fine of not less than $50 and not more than $500 for a second or subsequent offence.

Compensation

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 88 was constructed or used, as the case may be,

(*a*) before the day on which the by-law designating the road as a controlled-access road became effective; or

(*b*) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

Regional liability when road assumed

90.—(1) Where the Regional Corporation assumes as a regional road any road in an area municipality,

(*a*) no compensation or damages shall be payable to the area municipality in which it was vested; and

(*b*) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1960, c. 223

Default

(2) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 1, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling of doubts

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping up highways

91.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify by registered mail the officer appointed under section 20.

Agreement

(2) If the Regional Council objects to such stopping up, it shall so notify the council of the area municipality by registered mail within sixty days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment of roads commissioner

92. The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the regional road system. R.S.O. 1960, c. 309

93.

Application of R.S.O. 1960, c. 171

93. Sections 95, 97, 99, 102 and 105 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any regional road.

Commencement of Part

94. This Part comes into force on the day this Act receives Royal Assent.

PART VI

PLANNING

Planning area

R.S.O. 1960, c. 296

95.—(1) On and after the 1st day of January, 1970, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Niagara Planning Area.

Designated municipality

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Niagara Planning Area.

Planning areas dissolved

(3) All planning areas and subsidiary planning areas that are included in the Niagara Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1969.

Area municipalities subsidiary planning areas

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1970, and each council thereof shall be the planning board.

Proviso

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

Effect of official plan

(6) When the Minister has approved an official plan adopted by the Regional Council,

(*a*) every official plan and every by-law passed under section 30 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith;

(*b*) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

Planning duties of Regional Council

96.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Niagara Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Planning Area, and without limiting the generality of the foregoing it shall,

(*a*) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Planning Area;

(*b*) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Planning Area in determining the solution of problems or matters affecting the development of the Planning Area; and

(*c*) consult with any local board having jurisdiction within the Planning Area.

Official plan

(2) The Regional Council, before the 31st day of December, 1973, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

Appointment of planning staff

(3) The Regional Council shall appoint such planning staff as may be deemed necessary.

Appointment of committees

(4) The Regional Council may appoint such planning committees as it deems necessary.

Regional Corporation deemed municipality under R.S.O. 1960, c. 296

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2 and sections 5, 11, 12, 12*a*, 13, 14, 15, 16, 19, 23, 24, 25, 28, 33 and 34 of *The Planning Act*.

Idem

(6) The Regional Council shall be deemed to be a county for the purposes of section 31*a* of *The Planning Act*.

Agreements re plans of subdivision

(7) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements re special studies

(8) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority or any agency thereof created by statute for the carrying out of studies relating to the Niagara Planning Area or any part thereof.

Delegation of Minister's powers

(9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees of adjustment

(10) All committees of adjustment heretofore constituted by the council of a local municipality in the Niagara Planning Area are hereby dissolved on the 31st day of December, 1969,

and

and the council of each area municipality shall forthwith after the 1st day of January, 1970, pass a by-law constituting and appointing a committee of adjustment under section 32*a* of *The Planning Act*.

Application of R.S.O. 1960, c. 296

97. Except as provided in this Part, the provisions of *The Planning Act* apply.

Commencement of Part

98. This Part comes into force on the day this Act receives Royal Assent.

PART VII

HEALTH AND WELFARE SERVICES

Liability for hospitalization of indigents R.S.O. 1960, cc. 322, 305

99.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Existing liabilities transferred

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1969, of an indigent person or his dependant who was in hospital on the 31st day of December, 1969, and in respect of whom any local municipality within the Regional Area, the County of Lincoln, or the County of Welland was liable because the indigent person was a resident of such local municipality, the County of Lincoln or the County of Welland.

Proviso

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1970.

Hospitalization grant 1970 under R.S.O. 1960, c. 259

(4) The 1970 indigent hospitalization grant payable under section 8*a* of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality, the County of Lincoln, and the County of Welland for purposes mentioned in such section 8*a* in the year 1969 and shall be paid to the Regional Corporation.

Aid to hospitals

100. The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the Regional Area and may issue debentures therefor.

Regional Area deemed health unit R.S.O. 1960, c. 321

101.—(1) On and after the 1st day of January, 1970, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply.

Dissolution of Niagara District Health Unit

(2) The Niagara District Health Unit is hereby dissolved on the 1st day of January, 1970, and all the assets and liabilities thereof become assets and liabilities of the board of health of the health unit of the Regional Area.

Boundaries fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution of health board

102.—(1) On and after the 1st day of January, 1970, the board of health of the health unit established under section 101 shall be composed of,

(*a*) seven members of the Regional Council appointed by the Regional Council; and

(*b*) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remuneration of certain members

(2) The members of the board of health of the health unit appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the health unit in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

Regional Corporation deemed city under 1967, c. 3 1966, c. 37 R.S.O. 1960, cc. 164, 173, 236, 359, 425

103. For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act, 1967.*
2. *The Day Nurseries Act, 1966.*
3. *The General Welfare Assistance Act.*
4. *The Homemakers and Nurses Services Act.*
5. *The Mental Hospitals Act.*
6. *The Sanatoria for Consumptives Act.*
7. *The War Veterans Burial Act.*

Liability respecting homes for the aged R.S.O. 1960, c. 174

104.—(1) The Regional Corporation shall be deemed to be a city for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Application

(2) Section 13 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 13 shall be signed by such person or persons as may be designated by resolution of the Regional Council.

Linhaven Home vested in Regional Corporation

105.—(1) The home for the aged established, erected and maintained jointly by the City of St. Catharines and the County of Lincoln, known as Linhaven Home for the Aged, and all real and personal property used for the purposes of such home, are vested in the Regional Corporation on the 1st day of January, 1970, and, subject to subsection 3, no compensation or damages shall be paid to the City in respect thereof.

Sunset Haven and Northland Manor vested in Regional Corporation

(2) The home for the aged, known as Sunset Haven Home for Senior Citizens, and the rest home, known as Northland Manor, established, erected and maintained jointly by the City of Niagara Falls, the City of Welland, the City of Port Colborne and the County of Welland, and all real and personal property used for the purposes of such homes, are vested in the Regional Corporation on the 1st day of January, 1970, and, subject to subsection 3, no compensation or damages shall be paid to such cities in respect thereof.

Existing debt

(3) The Regional Corporation shall pay to any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the homes referred to in subsections 1 and 2.

Default

(4) If the Regional Corporation fails to make any payments required by subsection 3, the area municipality which has not received its due payment may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or portion thereof that the payment is overdue.

Settling of doubts

(5) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of a home referred to in subsections 1 and 2, the Municipal Board, upon application, may determine the matter and its decision is final.

Regional Corporation deemed Metropolitan municipality under 1965, c. 14

106. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act, 1965* and the Regional Corporation shall be deemed to be a metropolitan municipality for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act.

Existing liabilities transferred

107. The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1970, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Liability under order made under R.S.C. 1952, c. 160

108. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Information

109. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

Adjustments

110. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc., to approved corporations under 1966, c. 65

111.—(1) The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act, 1966*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

Existing agreements 1968, c. 182

(2) All rights and obligations of the municipalities that are parties to any agreement entered into under *The County of Welland Act, 1968* are hereby assumed by the Regional Corporation and no area municipality shall hereafter have any rights or obligations under any such agreement.

Commencement of Part

112. This Part comes into force on the 1st day of January, 1970.

PART VIII

PART VIII

POLICE

Interpretation

113. In this Part, "Niagara Police Board" means the Niagara Regional Board of Commissioners of Police.

Area municipality deemed city over 15,000

R.S.O. 1960, c. 298

114.—(1) For the year 1970, each area municipality shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*.

Boards dissolved

(2) All boards of commissioners of police having jurisdiction in the Regional Area on the 31st day of December, 1969, are dissolved on the 1st day of January, 1970.

Boards to be constituted

(3) On the 1st day of January, 1970, a board of commissioners of police shall be constituted in accordance with subsection 2 of section 7 of *The Police Act* for the year 1970 for each area municipality.

Niagara Regional Board established

115.—(1) Notwithstanding *The Police Act*, on the 1st day of January, 1970, a board of commissioners of police shall be constituted to be known as the Niagara Regional Board of Commissioners of Police, which shall consist of,

(*a*) two members of the Regional Council appointed by resolution of the Regional Council;

(*b*) a judge of the county court of the Judicial District of Niagara North or the Judicial District of Niagara South designated by the Lieutenant Governor in Council; and

(*c*) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the Niagara Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remuneration

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act* to the members of the Niagara Police Board appointed by the Lieutenant Governor in Council and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Estimates of area boards in 1970

(4) The estimates for the year 1970 of the board of commissioners of police of each area municipality shall be submitted to the Niagara Police Board before the 1st day of February, 1970, and, upon receipt of the estimates of all such

boards

boards, the Niagara Police Board shall consider the estimates and approve them in whole or in part and shall notify each such board of the extent to which its estimates have been approved.

Estimates of Niagara Board in 1970

(5) The Niagara Police Board shall submit to the Regional Council on or before the 1st day of March, 1970, its estimates including the aggregate of the estimates as approved under subsection 4.

Regional Corporation deemed city under R.S.O. 1960, c. 298

116. On and after the 1st day of January, 1971,

(*a*) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*; and

(*b*) *The Police Act* does not apply to any area municipality.

Cost of operating police

117.—(1) For the year 1970, the cost of maintaining, operating and administering the police force in each area municipality shall be borne by the Regional Corporation.

Levy against area municipalities

(2) At the request of the Niagara Police Board, the Regional Council in the year 1970 shall, subject to subsection 3 of section 13 of *The Police Act*, pass by-laws providing for imposing on and collecting from any area municipality a sum sufficient to pay the proportion of the estimates submitted by the Niagara Police Board under subsection 5 of section 115 that the amount of the estimates, as approved, of the board of the area municipality is of the total of the estimates, as approved, submitted under subsection 4 of section 115.

Rates for cost of policing

(3) An area municipality may pay the amounts chargeable to it,

(*a*) under a by-law passed under subsection 2; or

(*b*) in respect of maintaining, operating and administering the Niagara Regional Police Force under section 126,

out of its general funds or, subject to the approval of the Ontario Police Commission, by levying rates that are different between areas defined by the council or by levying rates in one or more such areas only.

Farm lands

(4) Subject to the approval of the Ontario Police Commission, the council of an area municipality may grant entire or partial exemption from any rate or rates levied under subsection 3 to lands and buildings used exclusively for farming purposes.

Area police force

118.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of July, 1969, and continues to be a member until immediately before the 1st day of January, 1970, shall, on the 1st day of January, 1970, become a member of the police force of the area municipality that includes the local municipality, and the provisions of subsections 2 to 5 of section 27 apply to such members, but no member shall receive in the year 1970 any benefits of employment less favourable than those he was receiving from the local municipality.

Niagara Regional Police Force

(2) Every person who is a member of a police force of an area municipality on the 31st day of December, 1970, becomes a member of the Niagara Regional Police Force on the 1st day of January, 1971, and is subject to the government of the Niagara Police Board to the same extent as if appointed by the Niagara Police Board.

Terms of employment

(3) Every person who becomes a member of the Niagara Regional Police Force under subsection 2 shall,

(*a*) be deemed to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Niagara Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System;

(*b*) have a retirement age of sixty years of age;

(*c*) have credited to him in the Niagara Regional Police Force the total number of years of service that he had in the police forces of the local and area municipality;

(*d*) receive such sick leave credits in the sick leave credit plan which shall be established by the Niagara Police Board as he had standing to his credit in the plan of the area municipality; and

(*e*) not be assigned without his consent to serve on a permanent basis at a location in the Regional Area more than five miles distant from the area municipality in which he was formerly employed, provided that he was a permanent member of the police force of a local municipality in the Regional Area before the 1st day of July, 1969.

Bargaining

119. Before the 1st day of February, 1970, the members of the police forces of all area municipalities shall appoint a

joint

joint bargaining committee to represent all police forces in the area municipalities to bargain with the Niagara Police Board in the manner and for the purposes provided in *The Police Act*, and the Niagara Police Board shall be the sole negotiating body to bargain with such committee. R.S.O. 1960, c. 298

Assumption of buildings

120.—(1) The Regional Council shall, before the 1st day of January, 1971, pass by-laws which shall be effective on such date assuming for the use of the Niagara Police Board any such land or building that the Niagara Police Board may require that is vested on the 1st day of July, 1970, in any area municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that area municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Sale by area municipalities limited

(2) No area municipality, before the 1st day of January, 1971, shall without the consent of the Niagara Police Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

Extension of time

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1971, and in that case the by-law shall become effective on the date provided therein.

Building not used exclusively for police force

(4) Where any part of a building mentioned in subsection 1 is used by the area municipality or a local board thereof for other than police purposes, the Regional Corporation may,

(*a*) where practicable assume only the part of the building and land appurtenant thereto used for the purposes of the police force of the area municipality; or

(*b*) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with the area municipality or local board thereof for the use of a part of the building by the area municipality or local board on such terms and conditions as may be agreed upon.

Regional Corporation liability

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

(*a*) no compensation or damage shall be payable to the area municipality or local board except as provided in this subsection;

(*b*) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation;

(*c*) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1970, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

Default

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Accommodation

(7) Where a building vested in an area municipality or local board is used partly by the police force of the area municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Niagara Police Board shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Niagara Police Board as was being provided by the area municipality for its police force on the 1st day of July, 1970, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office supplies, etc.

(8) At the request of the Niagara Police Board, each area municipality, for the use of the Niagara Police Board,

(*a*) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1971, that was provided for the exclusive use of the police force of the area municipality; and

(*b*) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of

the

the area municipality on the 1st day of January, 1971, on the same terms and to the same extent as the police force used the property before such date.

Disposal of personal property

(9) No area municipality, without the consent of the Niagara Police Board, shall dispose of any personal property referred to in subsection 8 owned by the area municipality on the 1st day of July, 1970 or thereafter.

Signal system transferred

(10) All signal and communication systems owned by any area municipality and used for the purposes of the police force of the area municipality on the 1st day of July, 1970, or thereafter are vested in the Regional Corporation for the use of the Niagara Police Board on the 1st day of January, 1971, and no compensation shall be payable to the area municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system.

Settling of doubts

(11) In the event of any doubt as to whether,

(*a*) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

(*b*) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

Property to be provided

121. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Niagara Police Board.

Commencement of Part

122. This Part comes into force on the 1st day of January, 1970.

PART IX

FINANCES

Interpretation
R.S.O. 1960, c. 23

123. In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*.

Investment of moneys not immediately required
R.S.O. 1960, c. 249

124. Section 302 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

YEARLY

YEARLY ESTIMATES AND LEVIES

Yearly estimates

125.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve but shall not make any allowance for payments to be received during the current year under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1960, c. 259

Surplus or operating deficit of Regional Council

(3) The surplus or the operating deficit for which the Regional Council shall make due allowance in preparing the estimates for the year 1970 shall be determined by aggregating,

(*a*) the audited surplus or operating deficit of the County of Lincoln and the audited surplus or operating deficit of the County of Welland at the 31st day of December, 1969; and

(*b*) a sum equivalent to the total of the audited surpluses and operating deficits and any reserves established under subsection 2 of section 297 of *The Municipal Act* which are transferred from the County of Lincoln and the County of Welland to the Regional Corporation under this Act.

R.S.O. 1960, c. 249

Payment by cities

(4) The sum referred to in clause *b* of subsection 3 shall be apportioned among the City of Niagara Falls, the City of Port Colborne, the City of St. Catharines and the City of Welland in the proportion that the equalized assessment for each city respectively, as ascertained under section 126 for the purpose of apportioning the regional levy for 1970, bears to the total of the equalized assessment so ascertained for the four cities, and the amount apportioned to each city shall be paid by the city to the Regional Corporation not later than the 30th day of June, 1970.

Levy on area municipalities

126.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

(*a*) for payment of the estimated current annual expenditures as adopted; and

(*b*) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportionment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Equalized assessment

(4) The Department shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities.

When subs. 4 ceases to apply

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister.

Copy to Regional Corporation and area municipality

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the Regional Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department.

Idem

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

Amendment of by-law where necessary following appeal

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal,

amend

amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(*a*) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the financial officer of the Regional Corporation; and

(*b*) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the financial officer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the financial officer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed assessments, etc., not to apply

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 39 of *The Assessment Act* or partial or total exemption from assessment or taxation applies thereto, except as provided in section 4 of *The Assessment Act*.

R.S.O. 1960, c. 23

Assessment upon which levy apportioned to include valuations on properties for which payments in lieu of taxes paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

Valuations of properties in respect of which grants in lieu of taxes received

(12) The clerk of an area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the Regional Corporation of the revised and equalized valuations.

Levy by-laws

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may deem expedient.

Regional levy

(14) Subject to subsections 5, 6 and 7 of section 57 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property

rateable

rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the financial officer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

127. In sections 128 and 130,

Residential and commercial assessment defined

(*a*) "commercial assessment" means the total of,

(i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan or regional corporation or local board thereof, and

(ii) the business assessment, and

(iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 9 of *The Assessment Act*, R.S.O. 1960, c. 23

according to the last revised assessment roll;

(*b*) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause *a*.

Credit of payments under R.S.O. 1960, c. 259, s. 7

128.—(1) Any moneys received by the Regional Corporation under section 7 of *The Municipal Unconditional Grants Act* shall be credited to each of the area municipalities in the proportion that the residential assessment of each such area municipality bears to the residential assessment of the Regional Area.

(2)

Credits to be included in estimates

(2) Where the amount credited to an area municipality under subsection 1 is less than the amount specified in the Schedule to this section, the Regional Council shall credit to that area municipality a sum sufficient to increase the amount credited under subsection 1 to the amount specified in the Schedule, and the Regional Council shall include such sum in the estimates to be adopted under subsection 1 of section 125.

Rates

R.S.O. 1960, c. 249

(3) The council of each area municipality shall levy, as provided by this section, the sums adopted for general purposes in accordance with section 297 of *The Municipal Act*, together with a sum equal to the aggregate of the sums required by law to be provided by the council for the Regional Corporation or any board, commission or other body, but not the sums required to be levied under section 130 of this Act.

Equalization of assessment of merged areas

(4) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

Notice

(5) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 4, the Department shall notify the area municipality of the revised and equalized assessment.

Levy on commercial assessment

(6) The amount to be raised by an area municipality in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 3 that the commercial assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 4.

Levy on residential assessment

(7) The amount to be raised by an area municipality in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 3 that the residential assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 4, reduced by the sum equal to the estimated amount credited to the area municipality in accordance with subsections 1 and 2.

Apportionment among merged areas

(8) The sums levied under subsection 3 shall be apportioned among the merged areas of each area municipality in the following manner:

Commercial

1. The amount, as ascertained in accordance with subsection 6, to be raised by the area municipality in

each

each year by levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 4.

Residential

2. The amount, as ascertained in accordance with subsection 7, to be raised by the area municipality in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 4.

Levy on commercial assessment in merged areas

(9) The council of the area municipality shall levy on the whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 8.

Levy on residential assessment in merged areas

(10) The council of the area municipality shall levy on the whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 8.

When provisions cease to apply

(11) The provisions of subsections 3, 4, 5, 6, 7, 8, 9 and 10 of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 126.

SCHEDULE

Area Municipality	Amount
Town of Beamsville	$ 75,000
Town of Fort Erie	125,000
Town of Grimsby	79,500
City of Niagara Falls	377,500
Town of Niagara-on-the-Lake	72,000
Town of Pelham	47,500
City of Port Colborne	127,500
City of St. Catharines	617,000
Town of Thorold	94,000
Township of Wainfleet	27,000
City of Welland	256,500
Township of West Lincoln	39,000

Levy by Regional Council before estimates adopted

129.—(1) Notwithstanding section 126, in the year 1970 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1969 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 126, and subsections 15 and 16 of section 126 apply to such a levy.

Idem

(2) Notwithstanding section 126, in 1971 and subsequent years the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 126 apply to such a levy.

Levy under s. 126 to be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 126.

Levy by area municipality before estimates adopted

(4) Notwithstanding section 128, until the date determined by the Minister under subsection 5 of section 126, the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Business assessment

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied under section 130 of *The Assessment Act*, the council, notwithstanding section 128, until the date determined by the Minister under subsection 5 of section 126, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

R.S.O. 1960, c. 23

Levy under s. 128 to be reduced

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 128.

Application of R.S.O. 1960, c. 249, s. 294*a*, subs. 3

(7) Subsection 3 of section 294*a* of *The Municipal Act* applies to levies made under this section.

R.S.O. 1960, c. 249, s. 294*a* not to apply

(8) Section 294*a* of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 126.

Rates under R.S.O. 1960, c. 368

130.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each of such merged areas.

Rates for public school purposes

R.S.O. 1960, c. 361

(2) The amounts required to be levied and collected by an area municipality for public school purposes on commercial assessment and residential and farm assessment as determined under section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total assessment for public school purposes in each merged area bears to the total assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for secondary school purposes

(3) The amounts required to be levied and collected by an area municipality for secondary school purposes on commercial assessment and residential and farm assessment as determined under section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total assessment for secondary school purposes in each merged area bears to the total assessment for secondary school purposes in the area municipality both as equalized by the Department in accordance with subsection 4 of section 128.

Application of section

(4) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 126.

Transitional adjustments

131.—(1) For the period from the 31st day of December, 1969, to the 1st day of January, 1975, the Minister may, for each year by order, provide that in such year the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this subsection.

(2)

Amounts of adjustments to be included in estimates

(2) The Regional Council shall include in the estimates to be adopted in accordance with subsection 1 of section 125 for each year specified by the Minister under subsection 1 of this section the amounts of the adjustments in the tax levy in any area municipality as a result of an order under subsection 1 of this section and shall make a corresponding adjustment in the amount levied on each such area municipality under subsection 1 of section 126.

Area municipality treasurers to certify adjustments

(3) The treasurer of each of the area municipalities in respect of which the Minister has made an order under subsection 1 in each of the years specified shall, before the adoption of estimates by the Regional Council, certify to the financial officer of the Regional Corporation the amount of the adjustment of tax in each of the merged areas in the area municipality under subsection 1.

Allowances to be made in estimates of area municipalities in 1970

R.S.O. 1960, c. 249

132.—(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1970 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1970, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1969.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1970, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Audited surpluses or operating deficits of certain cities

(4) For the purpose of this section and section 134, the audited surplus or operating deficit of each of the cities of Niagara Falls, Port Colborne, St. Catharines and Welland at the 31st day of December, 1969, shall be that part of the audited surplus or operating deficit of the city that does not form part of the surplus or operating deficit of the Regional Corporation as required by subsection 3 of section 125.

RESERVES

Reserves of Regional Corporation R.S.O. 1960, c. 249

133. Where, under subsection 2 of section 297 of *The Municipal Act*, the County of Lincoln or the County of Welland has established reserves, those reserves shall become the reserves of the Regional Corporation.

ADJUSTMENTS

Interpretation

134.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*.

Surplus or deficit at December 31, 1969 to be applied to supporting assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1969, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 3, shall be provided for by adjustment of the tax rate in the year 1970.

Adjustments may be spread over five years by order

(3) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years.

Arbitration

135.—(1) The Minister may, on or before the 1st day of September, 1969, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of Crowland, the Township of Humberstone, the Township of Louth, the Township of Thorold and the Township of Willoughby.

Idem

(2) Such committees shall consist of the treasurers of municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds including the treasurers of the divided municipality whose assets, liabilities or reserve funds are to be considered, and such other person or persons as the Minister may appoint.

Provisional determination

(3) Before the 31st day of December, 1969, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1970.

(4)

Final determination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1969, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 10 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1960, c. 249

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Substantial hardship

(7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.

Documents and records of divided municipalities

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality to which the greater or greatest portion of the assessment of the divided municipality, according to the latest revised assessment roll, is transferred, and such documents and records shall be made available to any official of any area municipality to which any other portion of the assessment of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

RESERVE FUNDS

Reserve funds of municipalities

136.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the

councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

Reserve funds

137.—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Investments and income

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

R.S.O. 1960, c. 408

Expenditure of reserve fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Auditor to report on reserve funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

TEMPORARY LOANS

Current borrowings

138.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and financial officer to borrow from time to time by way of promissory note such sums as the Regional Council may deem necessary to meet, until the levies are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary application of estimates of preceding year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1970 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

Protection of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of promissory notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the financial officer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of charge

(6) The Regional Council may by by-law provide or authorize the chairman and financial officer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received; provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of agreements

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and financial officer.

Penalties for excess borrowings

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for misapplication of revenues by Regional Council

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for misapplication of revenues by officials

(10) If any member of the Regional Council or officer of the Regional Corporation applies any revenues so charged otherwise

wise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving as to penalties

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

R.S.O. 1960, c. 98

DEBT

Debt

139.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

R.S.O. 1960, c. 274

(*a*) the Regional Corporation;

(*b*) any area municipality;

(*c*) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1969, power to issue debentures.

Uncompleted works

(4) When an area municipality, prior to the 31st day of December, 1969,

(*a*) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

(*b*) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 142, and no further approval of the Municipal Board is required.

Bonds, debentures, etc., trustee investments R.S.O. 1960, c. 408

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Power to incur debt or issue debentures R.S.O. 1960, c. 274

140.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 139 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Hearing

141.—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the Regional Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.

Notice

(2) Notice of the hearing shall be given to the officer of the Regional Corporation appointed under section 20 and

to the clerk of each area municipality in such manner as the Municipal Board may direct.

Dispensation with hearing

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation.

Idem

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the Regional Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing.

Borrowing pending issue and sale of debentures

142.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Interest on proceeds transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application of proceeds of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to

see

see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 154, shall be transferred to the area municipality.

Hypothecation not to prevent subsequent sale of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal and interest payments

143.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy against area municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by area municipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Levies a debt

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to change mode of issuing debentures

(8) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or vice versa and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures when to be dated and issued

(9) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of debentures

(10) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension of time for issue

(12) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application after time expired

(13) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective date

(14) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolidation

(15) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolidating debenture by-laws R.S.O. 1960, c. 249

(16) Section 283 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Redemption before maturity

(17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.

2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.

3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.

4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.

5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments

are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(18) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

(*a*) in lawful money of Canada and payable in Canada; or

(*b*) in lawful money of the United States of America and payable in the United States of America; or

(*c*) in lawful money of Great Britain and payable in Great Britain.

Annual rates

(19) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal levies

(20) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 3½ per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated bank accounts

(21) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

(*a*) the financial officer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(*b*) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking fund committee

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Lieutenant Governor in Council may determine.

Alternate members

(23) The Lieutenant Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(24) The financial officer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security.

R.S.O. 1960, c. 249

Quorum

(26) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of sinking fund assets

(27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Withdrawals from bank accounts

(28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments

(29) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem

(30) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1960, c. 408

(*a*) in securities in which a trustee may invest under *The Trustee Act*;

(*b*) in debentures of the Regional Corporation;

(*c*) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(*d*) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of securities with Treasurer of Ontario

(31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of securities by Treasurer of Ontario

(32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 31 only upon the direction in writing of the sinking fund committee.

Sinking fund accounts

(33) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings credited to sinking fund account

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by,

(*a*) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(*b*) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause *a*.

Sinking fund requirements

(35) The financial officer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(36) If the financial officer of the Regional Corporation contravenes subsection 21 or 35, he is guilty of an offence and on summary conviction is liable to a fine of not more than $250.

Failure to levy

(37) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where amount in sinking fund account more than sufficient to pay debt

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion of sinking funds

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall,

(*a*) use the surplus to increase the amount at the credit of another sinking fund account; or

(*b*) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,

(i) to retire unmatured debentures of the Regional Corporation or of an area municipality,

(ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,

(iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and surplus

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40.

When rate of interest may be varied

144.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

(*a*) a different rate of interest;

(*b*) a change in the amount to be raised annually and, if necessary, in the special levies;

(*c*) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;

(*d*) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

(*e*) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypothecation not a sale under this section

(2) For the purposes of this section, the hypothecation of debentures under section 142 shall not constitute a sale or other disposal thereof.

Consolidation of debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessment and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such

special

special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Corporation.

Repeal of by-law when part only of money to be raised

145.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When to take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt paid certain by-laws cannot be repealed

146.—(1) Subject to section 145, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for neglect of officer to carry out by-law

147. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than $100.

Money by-laws may be registered

148.—(1) Within four weeks after the passing of a money by-law, the officer appointed under section 20 may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the Registry Offices for the Registry Divisions of the Judicial Districts of Niagara North and of Niagara South.

Application to quash registered by-law, when to be made

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1962-63* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

R.S.O. 1960, c. 274

1962-63, c. 39

R.S.O. 1960, c. 223

Time when by-law to be valid and binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing part of by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal by-laws not validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 140, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 143 have not been substantially complied with.

Failure to register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures, how sealed and executed

149.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the financial officer.

Interest coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the financial officer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the financial officer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical reproduction of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the financial officer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of mechanical reproduction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the financial officer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the financial officer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures on which payment has been made for one year to be valid

150. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of transfer may be prescribed

151.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

> This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the financial officer of this Corporation

(or

(or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of.....

the financial officer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements as to endorsing certificate of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the financial officer.

Transfer by entry in Debenture Registry Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Replacement of lost debentures

152. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange of debentures

153.—(1) On request of the holder of any debenture issued by the Regional Corporation, the financial officer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

(2)

On request of sinking fund committee

(2) On the request of the sinking fund committee, the financial officer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New debentures of same force and effect as debentures surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures surrendered for exchange to be cancelled

(4) The financial officer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application of proceeds of debentures

154.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

(*a*) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation, to redeem one or more of the debentures having the latest maturity date; or

(*b*) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or

(*c*) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

Use of proceeds of sale of asset acquired from proceeds of sale of debentures

155. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 154 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Tenders for debentures

156. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts, how to be kept

157.—(1) The Regional Council shall,

(*a*) keep a separate account of every debenture debt;

(*b*) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

(i) an additional account for the interest, if any, and

(ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

(*c*) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated interest account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application of surplus money

158. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Liability of members

159.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disqualification

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing of debentures

160. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

(*a*) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;

(*b*) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption;

(*c*) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

Indebtedness for tile drainage R.S.O. 1960, c. 399

161. The amount of the indebtedness of any area municipality at any one time for the purpose of *The Tile Drainage Act* shall not exceed the amounts stated in the Schedule to this section.

SCHEDULE

Area Municipality	Amount of Indebtedness
Town of Beamsville	$1,324,000
Town of Fort Erie	1,645,000
Town of Grimsby	1,000,000
City of Niagara Falls	1,625,000
Town of Niagara-on-the-Lake	1,000,000
Town of Pelham	1,022,000
City of Port Colborne	790,000
City of St. Catharines	677,000
Town of Thorold	964,000
Township of Wainfleet	500,000
City of Welland	957,000
Township of West Lincoln	1,300,000

Commencement of Part

162.—(1) This Part, except section 135, comes into force on the 1st day of January, 1970.

Idem

(2) Section 135 comes into force on the day this Act receives Royal Assent.

PART X

GENERAL

Application of R.S.O. 1960, c. 249

163.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a*, paragraphs 3 and 22 of section 377 and section 410 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Deemed city under R.S.O. 1960, c. 249

(2) For the purposes of subsection 2 of section 482 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be deemed to be by-laws passed by the council of a city.

Erections, annexations and amalgamations R.S.O. 1960, c. 249

(3) Sections 10, 11 and, subject to subsection 3 of section 2, section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Nuisances

(4) The Regional Corporation shall be deemed to be a local municipality for the purpose of paragraph 116 of subsection 1 of section 379 of *The Municipal Act*.

Delegation of approvals or consents

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 2 of section 42, subsection 1 of section 58, subsection 2 of section 59 and subsection 2 of section 74 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed county for 1961-62, c. 18

(6) For the purposes of *The Construction Safety Act, 1961-62*, the Regional Corporation shall be deemed to be a county and the area municipalities, except cities, shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed municipality R.S.O. 1960, c. 218

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 87 of *The Liquor Licence Act*.

By-laws

(8) On the 1st day of January, 1970,

(*a*) the by-laws of the former Township of Clinton, that would have extended under section 18 of *The Municipal Act* to that portion of the Township of Louth annexed to the Town of Beamsville under clause *a* of subsection 1 of section 2 had it been annexed to the Township of Clinton, extend and apply to such portion of the Township of Louth;

(*b*) the by-laws of the former Township of Bertie, that would have extended under section 18 of *The Municipal Act* to that portion of the Township of Willoughby annexed to the Town of Fort Erie under clause *b* of subsection 1 of section 2 had it been annexed to the Township of Bertie, extend and apply to such portion of the Township of Willoughby;

(*c*) the by-laws of the former City of Niagara Falls, that would have extended under section 18 of *The Municipal Act* to those portions of the townships of

Crowland, Humberstone and Willoughby annexed to the City of Niagara Falls under clause *d* of subsection 1 of section 2 had they been annexed under section 18 of *The Municipal Act* to the former City of Niagara Falls, extend and apply to such portions of such townships; R.S.O. 1960, c. 249

(*d*) the by-laws of the former Village of Fonthill that would have extended under section 18 of *The Municipal Act* to that portion of the Township of Thorold annexed to the Town of Pelham under clause *f* of subsection 1 of section 2 had it been annexed to the Village of Fonthill, extend and apply to such portion of the Township of Thorold;

(*e*) that portion of the Township of Thorold annexed to the Town of Thorold under clause *i* of subsection 1 of section 2 shall be deemed to be amalgamated with the Town for the purpose of subsection 2 of section 17 of *The Municipal Act*.

Emergency measures civil defence

164.—(1) The Regional Council may pass by-laws,

(*a*) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and

(*b*) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 378 of *The Municipal Act* have no effect.

Powers of Regional Council re emergency measures

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

(*a*) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;

(*b*) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;

(*c*) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*;

R.S.C. 1952, c. 288, 1962-63, c. 41

(*d*) for acquiring alternative headquarters for the Regional Government outside the Regional Area;

(*e*) for obtaining and distributing emergency materials, equipment and supplies; and

(*f*) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

Expenditures for diffusing information

165. The Regional Corporation may make expenditures not exceeding $50,000 in any one year for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Grants to persons engaged in work advantageous to Regional Area

166. The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 126, to institutions, associations and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment of damages to employees

R.S.O. 1960, c. 437

167. Where in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act* the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Investigation by county judge of charges of malfeasance

168.—(1) Where the Regional Council passes a resolution requesting a judge of either of the county courts within the Regional Area or a judge of the county court of a county adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other

misconduct

misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, R.S.O. 1960, c. 323 and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Fees payable to judge R.S.O. 1960, c. 197

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Engaging counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he deems advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Commission of inquiry

169.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.

When commission may issue

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Entry on highways, etc.

170. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements re services

171. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment.

Application of R.S.O. 1960, c. 23

172.—(1) For the purposes of paragraph 9 of section 4 and section 43 of *The Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Regional Corporation and area municipalities not deemed tenants

(2) For the purposes of paragraph 9 of section 4 of *The Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be deemed to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpretation

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

Executions against Regional Corporation

173.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the financial officer of the Regional Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.

2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the

portion of the amount mentioned in the statement that shall be levied against and in each area municipality.

3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff deems sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.

5. If at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Niagara" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Functions of clerk, assessors and collectors

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Counties dissolved

174.—(1) The Corporation of the County of Lincoln and The Corporation of the County of Welland are dissolved on the 1st day of January, 1970.

Assets and liabilities

(2) All the assets and liabilities of the counties of Lincoln and Welland become, on the 1st day of January, 1970, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Lincoln or the County of Welland shall be transferred to the officer appointed under section 20.

Suburban roads commissions dissolved

175.—(1) All suburban roads commissions in the Regional Area are dissolved on the 1st day of January, 1970.

Assets and liabilities,

(2) All the assets and liabilities of the roads commissions dissolved under subsection 1 become, on the 1st day of January, 1970, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commissions shall be transferred to the officer appointed under section 20.

Adjustment of assets, etc.

176.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation may exercise any of the powers under clauses *a*, *b* and *d* of subsection 10 of section 14 of *The Municipal Act* in relation to the dissolution of the counties of Lincoln and Welland and the dissolution of the Niagara District Health Unit and suburban roads commissions under this Act.

R.S.O. 1960, c. 249

Disputes

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1960, c. 274

Conditional powers

177. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act.

Conflict with other Acts

178. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal buildings

179.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(*a*) may acquire land for the purpose of constructing municipal buildings; and

(*b*) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application of R.S.O. 1960, c. 249

(2) Section 252 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Interpretation

180.—(1) In this section, "waste" includes ashes, garbage, refuse and domestic or industrial waste of any kind.

Agreement

(2) Where an area municipality has requested the Regional Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the Regional Corporation and the area municipality may enter into an agreement for the use and operation of such facilities.

Waste disposal sites

(3) For the purposes of an agreement under subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste.

Application of by-law under R.S.O. 1960, c. 249, s. 379, subs. 1, par. 112

(4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the Regional Corporation.

Acquisition of land for waste disposal

(5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*.

Regional Fire Co-ordinator

181. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it deems necessary to implement such plan and program.

Application of R.S.O. 1960, c. 300, s. 111

182.—(1) On and after the 1st day of January, 1970, no area municipality shall be required to comply with section 111 of *The Power Commission Act*.

Powers of utilities commissions transferred to area municipality or Regional Corporation

(2) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the Regional Area are continued for the year 1970 as local boards of the area municipality in which they have jurisdiction and the powers and duties of every such public utility commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1970, powers and duties of an area municipality or the Regional Corporation as required by this Act.

Distribution of electrical power

(3) Where, on the 31st day of December, 1969, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until the 1st day of January, 1971, to distribute and sell power within such area.

Members of commissions continued in office

(4) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1971 and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Commissions dissolved

(5) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1970, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission.

Boards in St. Catharines dissolved

183.—(1) The following boards and committees of the City of St. Catharines are hereby dissolved on the 1st day of January, 1970:

1. St. Catharines Community Centres Board;

2. Merritton Ward Community Centre Board;

3. St. Catharines Recreation Committee;

4. The Board of Park Management of St. Catharines,

and on such date all the assets and liabilities of such boards and committees become the assets and liabilities of The Corporation of the City of St. Catharines without compensation.

(2)

Council of St. Catharines deemed community centre board, etc. R.S.O. 1960, cc. 94, 60

(2) The council of the City of St. Catharines shall be deemed to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Employees

(3) The employees of any board or committee dissolved under this section who were employed by such board or committee on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, shall be offered employment by the council of the City of St. Catharines, and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1970, not less than he was receiving on the 1st day of April, 1969.

Application of s. 27

(4) Subsections 10 and 11 of section 27 apply *mutatis mutandis* to any employee who accepts employment under subsection 3.

Regional Corporation deemed municipality under R.S.O. 1960, c. 249, s. 377, par. 9.

184. The Regional Corporation shall be deemed to be a local municipality for the purposes of paragraph 9 of section 377 of *The Municipal Act*.

Commencement of Part

185.—(1) This Part comes into force on the day this Act receives Royal Assent.

Idem

(2) Section 1 comes into force on the day this Act receives Royal Assent.

Short title

186. This Act may be cited as *The Regional Municipality of Niagara Act, 1968-69*.

FORM 1

(*Section 10 (5)*)

OATH OF ALLEGIANCE

I, ..., having been elected (*or* appointed) as chairman of the council of The Regional Municipality of Niagara, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

FORM 2

FORM 2

(*Section 10* (*5*))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I, ..., having been elected (*or* appointed) as chairman of the council of The Regional Municipality of Niagara, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of twenty-one years.

3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.

4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of Niagara or any local board thereof or any area municipality or local board thereof.

5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

CHAPTER 107

An Act to amend The Regional Municipality of Niagara Act, 1968-69

Assented to December 17th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1968-69, c. 106, s. 1, cl. *j*, amended

1. Clause *j* of section 1 of *The Regional Municipality of Niagara Act, 1968-69* is amended by adding at the end thereof "or the local municipality to which such part is annexed or the Township of Wainfleet", so that the clause shall read as follows:

(*j*) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed or the Township of Wainfleet.

1968-69, c. 106, s. 6, subs. 3, amended

2. Subsection 3 of section 6 of *The Regional Municipality of Niagara Act, 1968-69* is amended by adding at the end thereof "and for the purposes of *The Jurors Act* in each judicial district any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the financial officer appointed under section 22", so that the subsection shall read as follows:

Regional Area deemed county for judicial purposes R.S.O. 1960, cc. 395, 199

(3) On and after the 1st day of January, 1970, each of the judicial districts of Niagara North and Niagara South, as described in section 5*a* of *The Territorial Division Act*, shall be deemed to be a county for all judicial purposes and for the purposes of *The Jurors Act* in each judicial district any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the financial officer appointed under section 22.

3.

1968-69, c. 106, s. 10, subs. 3, amended

3. Subsection 3 of section 10 of *The Regional Municipality of Niagara Act, 1968-69* is amended by inserting after "1970" in the second line "and in the year 1973", so that the subsection shall read as follows:

First meeting of Regional Council

(3) The first meeting of the Regional Council in the year 1970 and in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

1968-69, c. 106, amended

4. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

Existing speed limits continued in 1970 R.S.O. 1960, c. 172

81*a*.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* during the year 1970 the areas in the Regional Area that, on the 31st day of December, 1969, formed part of a city, town, village or township municipality or police village shall be deemed to continue to form part of a city, town, village or township municipality or police village.

By-laws of Regional Council and area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 59 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing by-laws under s. 59 of R.S.O. 1960, c. 172 continued

(3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1969, to any highway or portion thereof within the Regional Area shall continue to apply thereto during the year 1970 until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto.

1968-69, c. 106, s. 117, re-enacted

5. Section 117 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

Police costs in area municipalities

117.—(1) For the year 1970, the expenses of the board of commissioners of police for each area municipality, including the cost of maintaining, operating and administering a police force in the area municipality, shall be borne by the area municipality.

(2) The estimated expenses of the Niagara Police Board, excluding the approved estimates of the boards of commissioners of police of the area municipalities shall, subject to subsection 3 of section 13 of *The Police Act*, be included in the sum to be raised by levy under section 126. Levy against area municipalities R.S.O. 1960, c. 298

(3) An area municipality may pay, Rates for cost of policing

(*a*) the expenses referred to in subsection 1; and

(*b*) the amounts chargeable to it in the year 1970 for the expenses of the Niagara Police Board and in each year thereafter in respect of maintaining, operating and administering the Niagara Regional Police Force under section 126,

out of its general funds or, subject to the approval of the Ontario Police Commission, by levying rates that are different between areas defined by the council or by levying rates in one or more such areas only.

(4) Subject to the approval of the Ontario Police Commission, the council of an area municipality may grant entire or partial exemption from any rate or rates levied under subsection 3 to lands and buildings used exclusively for farming purposes. Farm lands

6. Clause *c* of subsection 8 of section 163 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out "18" in the seventh line and inserting in lieu thereof "14". 1968-69 c. 106, s. 163, subs. 8, cl. *c*, amended

7. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section: 1968-69, c. 106, amended

174*a*.—(1) The Welland County Library Co-operative is dissolved on the 1st day of January, 1970. Library Co-operative dissolved

(2) All the assets and liabilities of The Welland County Library Co-operative become, on the 1st day of January, 1970, assets and liabilities of The Welland County Board of Education. Assets and liabilities

8. Section 183 of *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following subsections: 1968-69, c. 106, s. 183, amended

(2*a*) The Corporation of the City of St. Catharines shall be deemed to be an approved corporation under *The Elderly Persons Centres Act, 1966*. Application of 1966, c. 50, to St. Catharines

St. Catharines deemed city under 100,000 re licensing by-laws R.S.O. 1960, c. 249

(2*b*) The council of the City of St. Catharines may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

1968-69, c. 106, amended

9. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

Boards in City of Port Colborne dissolved

183*a*.—(1) The following boards and committee of the City of Port Colborne are hereby dissolved on the 1st day of January, 1970:

1. Port Colborne—Humberstone Community Centre Board;

2. Port Colborne Parks Community Centre Board;

3. Port Colborne Recreation Committee,

and on such date all the assets and liabilities of such boards and committee become the assets and liabilities of The Corporation of the City of Port Colborne without compensation.

Council of Port Colborne deemed community centre, board, etc. R.S.O. 1960, cc. 94, 60

(2) The council of the City of Port Colborne shall be deemed to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Employees

(3) The employees of any board or committee dissolved under this section who were employed by such board or committee on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, shall be offered employment by the council of the City of Port Colborne, and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1970, not less than he was receiving on the 1st day of April, 1969.

Application of s. 27

(4) Subsections 10 and 11 of section 27 apply *mutatis mutandis* to any employee who accepts employment under subsection 3.

1968-69, c. 106, amended

10. *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

184*a*. The expenditures of the Regional Corporation during the year 1969, as approved by the Department, shall be paid out of the Consolidated Revenue Fund. Expenditures of Regional Corporation during 1969

11. Section 245 of *The Municipal Act* does not apply in the year 1969 to the council of a local municipality in the Regional Area. Application of R.S.O. 1960, c. 249, s. 245

12.—(1) This Act, except sections 5, 8 and 9, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 5, 8 and 9 come into force on the 1st day of January, 1970. Idem

13. This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1968-69*. Short title

CHAPTER

CHAPTER 108

An Act to amend The Regional Municipality of Ottawa-Carleton Act, 1968

Assented to June 27th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by striking out "Eastview" in the third line and inserting in lieu thereof "Vanier". 1968, c. 115, s. 1, cl. *a*, amended

(2) Clause *l* of the said section 1 is amended by striking out "Eastview" in the third line and inserting in lieu thereof "Vanier". 1968, c. 115, s. 1, cl. *l*, amended

2. Section 3 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding thereto the following subsection: 1968, c. 115, s. 3, amended

(4) Every person who held an office or appointment under any Act on the 31st day of December, 1968, in and for the County of Carleton shall be deemed, so long as he continues to hold such office or appointment, to have held and to hold such office or appointment on and after the 1st day of January, 1969, in and for The Regional Municipality of Ottawa-Carleton. Appointments for County of Carleton deemed appointments for Regional Municipality of Ottawa-Carleton

3.—(1) Clause *a* of subsection 1 of section 4 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by striking out "Eastview" in the second line and inserting in lieu thereof "Vanier". 1968, c. 115, s. 4, subs. 1, cl. *a*, amended

(2) Clause *d* of subsection 1 of the said section 4 is amended by striking out "Eastview" in the first line and inserting in lieu thereof "Vanier". 1968, c. 115, s. 4, subs. 1, cl. *d*, amended

(3) Clause *f* of subsection 1 of the said section 4 is repealed and the following substituted therefor: 1968, c. 115, s. 4, subs. 1, cl. *f*, re-enacted

(*f*) subject to subsection 8, the deputy reeve of the Township of Nepean and the councillor of the said township who, at the general municipal election next preceding the day the Regional Council is organized in any year, received the highest number of votes.

1968, c. 115, s. 6, subs. 2, re-enacted

4. Subsection 2 of section 6 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed and the following substituted therefor:

Township of Nepean

(2) On and after the 1st day of January, 1970, the council of the Township of Nepean shall consist of a reeve, a deputy reeve and five councillors, all to be elected by general vote.

1968, c. 115, s. 22, subs. 2, re-enacted

5. Subsection 2 of section 22 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed and the following substituted therefor:

Signing of cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law designate one or more persons to sign cheques in lieu of the treasurer and may by by-law provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written, stamped, lithographed or engraved on cheques.

1968, c. 115, s. 26, subs. 1, amended

6. Subsection 1 of section 26 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by inserting after "230" in the first line "232", by inserting after "240" in the second line "246" and by inserting after "paragraphs" in the third line "33", so that the subsection shall read as follows:

Application of R.S.O. 1960, c. 249

(1) Sections 217, 223, 223*a*, 230, 232, 234 and 236, subsections 4 and 5 of section 238, sections 239, 240, 246 and 248*c*, and paragraphs 33, 58, 59, 60, 61 and 62 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

1968, c. 115, s. 33, amended

7. Section 33 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding at the end thereof "and any by-law passed by an area municipality under subsection 1 of the said section 130 shall be deemed to have been repealed prior to the 31st day of December, 1968", so that the section shall read as follows:

R.S.O. 1960, c. 23, s. 130, not to apply

33. Section 130 of *The Assessment Act* does not apply in any area municipality after the 31st day of December, 1968 and any by-law passed by an area municipality under subsection 1 of the said section 130 shall be deemed to have been repealed prior to the 31st day of December, 1968.

8. Subsection 3 of section 47 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding at the end thereof "notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work, a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work", so that the subsection shall read as follows: 1968, c. 115, s. 47, subs. 3, amended

(3) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work, a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work. Raising of money by area municipality R.S.O. 1960, c. 249

9. Subsection 3 of section 51 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by striking out "subject to the approval of the Municipal Board" in the third line, so that the subsection shall read as follows: 1968, c. 115, s. 51, subs. 3, amended

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. Raising of money by area municipality R.S.O. 1960, c. 249

10. Section 75 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding thereto the following subsections: 1968, c. 115, s. 75, amended

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such Idem

application

application for approval, make such order as to costs against the Regional Corporation as it deems proper and may fix the amount of such costs.

Appeal

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may deem just.

Practice and procedure on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same *mutatis mutandis* as upon an appeal from a county court, and the decision of the Court of Appeal is final.

R.S.O. 1960, c. 274, s. 95, not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

1968, c. 115, s. 78, subs. 3, re-enacted

11. Subsection 3 of section 78 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed and the following substituted therefor:

R.S.O. 1960, c. 249, s. 459, subs. 6, not to apply

(3) Subsection 6 of section 459 of *The Municipal Act* does not apply to such stopping up.

1968, c. 115, s. 83, subs. 8, repealed

12. Subsection 8 of section 83 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed.

1968, c. 115, s. 86, subss. 2-5, repealed

13. Subsections 2, 3, 4 and 5 of section 86 of *The Regional Municipality of Ottawa-Carleton Act, 1968* are repealed.

1968, c. 115, s. 89, subs. 3, amended

14. Subsection 3 of section 89 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by inserting after "municipalities" in the fourth line "and the County of Carleton and the United Counties on behalf of any area municipality", so that the subsection shall read as follows:

Hospitalization grant 1969 under R.S.O. 1960, c. 259

(3) The 1969 indigent hospitalization grant payable under section 8*a* of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by the area municipalities and the County of Carleton and the United Counties on behalf of any area municipality for the purposes mentioned in such section 8*a* in the year 1968 and shall be paid to the Regional Corporation.

15. Section 92 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding thereto the following subsection: 1968, c. 115, s. 92, amended

(1*a*) The members of the board of health of the health unit appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties. Remuneration of certain members

16. Subsection 3 of section 113 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding at the end thereof "except that the City of Ottawa, the City of Vanier and the Village of Rockcliffe Park may, with the approval of the Municipal Board, issue debentures for school purposes during the year 1969", so that the subsection shall read as follows: 1968, c. 115, s. 113, subs. 3, amended

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1968, power to issue debentures, except that the City of Ottawa, the City of Vanier and the Village of Rockcliffe Park may, with the approval of the Municipal Board, issue debentures for school purposes during the year 1969. Limitation; exception

17.—(1) Subsection 1 of section 137 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by striking out "Eastview" in the second line and inserting in lieu thereof "Vanier". 1968, c. 115, s. 137, subs. 1, amended

(2) Subsection 5 of the said section 137 is amended by striking out "Eastview" in the third line and inserting in lieu thereof "Vanier". 1968, c. 115, s. 137, subs. 5, amended

(3) Subsection 6 of the said section 137 is amended by striking out "Eastview" in the eighth line, in the eleventh line and in the fifteenth line and inserting in lieu thereof in each instance "Vanier". 1968, c. 115, s. 137, subs. 6, amended

18. Section 141 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding at the end thereof "except that in respect of the Ottawa Board, where reference is made to a specific year, such year shall be read as the year next following", so that the section shall read as follows: 1968, c. 115, s. 141, amended

141. All the provisions of Part VI of *The Secondary Schools and Boards of Education Act* that are not inconsistent with this Part apply, Application of R.S.O. 1960, c. 362, Part VI

(*a*) to the school divisions and divisional boards of education established under this Part; and

(*b*)

(*b*) to the public school boards, high school boards, collegiate institute boards and boards of education wholly or partly in the school divisions established under this Part,

to the same extent as if such school divisions and divisional boards of education had been established under such Part VI, except that in respect of the Ottawa Board, where reference is made to a specific year, such year shall be read as the year next following.

1968, c. 115, s. 143, subs. 1, amended

19.—(1) Subsection 1 of section 143 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by striking out "section 248*b*" in the second line and inserting in lieu thereof "sections 248*b* and 250*a*", so that the subsection shall read as follows:

Application of R.S.O. 1960, c. 249

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a*, paragraphs 3 and 22 of section 377 and section 410 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

1968, c. 115, s. 143, amended

(2) The said section 143 is amended by adding thereto the following subsection:

Regional Corporation deemed county for purposes of 1961-62, c. 18

(7) For the purposes of *The Construction Safety Act, 1961-62*, the Regional Corporation shall be deemed to be a county and the area municipalities, except cities, shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Commencement

20.—(1) This Act, except sections 12 and 14, comes into force on the day it receives Royal Assent.

Idem

(2) Section 12 shall be deemed to have come into force on the 14th day of June, 1968.

Idem

(3) Section 14 shall be deemed to have come into force on the 1st day of January, 1969.

Short title

21. This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1968-69*.

CHAPTER 109

An Act to amend The Registry Act

Assented to May 13th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Registry Act*, as re-enacted by section 1 of *The Registry Amendment Act, 1966*, is amended by adding thereto the following clause: R.S.O. 1960, c. 348, s. 1 (1966, c. 136, s. 1), amended

(*aa*) "Director" means the Director of Land Registration appointed under section 6*a*.

2. *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960, c. 348, amended

1*a*. The Minister of Justice and Attorney General is responsible for the administration of this Act. Minister of Justice and Attorney General

3. Subsection 2 of section 4 of *The Registry Act*, as re-enacted by section 3 of *The Registry Amendment Act, 1964* and amended by section 1 of *The Registry Amendment Act, 1965*, is further amended by striking out "or" at the end of clause *c*, by adding "or" at the end of clause *d* in the amendment of 1965, and by adding thereto the following clause: R.S.O. 1960, c. 348, s. 4, subs. 2 (1964, c. 102, s. 3), amended

(*e*) designate the names by which registry divisions shall be known.

4. *The Registry Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 348, amended

6*a*.—(1) The Lieutenant Governor in Council may appoint a barrister or solicitor to be the Director of Land Registration. Director of Land Registration

(2) The Director of Land Registration has general supervision and control over registry offices and the system for registration therein. Duties

(3)

Idem

(3) Any reference in this Act to the Inspector or to the Inspector of Legal Offices shall be deemed to be a reference to the Director of Land Registration.

Seal

(4) The Director of Land Registration shall have a seal of office in such form as the Lieutenant Governor in Council approves.

Assistant Director of Land Registration

6*b*. The Lieutenant Governor in Council may appoint an Assistant Director of Land Registration, and the person so appointed shall act under the supervision of the Director of Land Registration or shall act as Director in the absence of the Director, and when so acting the Assistant Director of Land Registration has the powers and shall perform the duties of the Director of Land Registration under this or any other Act.

R.S.O. 1960, c. 348, s. 31 (1966, c. 136, s. 8), subs. 4, amended

5.—(1) Subsection 4 of section 31 of *The Registry Act*, as re-enacted by section 8 of *The Registry Amendment Act, 1966*, is amended by striking out "or" at the end of clause *d*, by adding "or" at the end of clause *e* and by adding thereto the following clause:

1964, c. 74

(*f*) to a licence of occupation for the purpose of a pipe line as defined in *The Ontario Energy Board Act, 1964*, if the licence is accompanied by an affidavit of the licensee or his solicitor or, where the licensee is a corporation, an officer of or solicitor for the corporation stating that the land affected by the licence is to be used for that purpose, or to any instrument affecting a registered licence of occupation.

R.S.O. 1960, c. 348, s. 31 (1966, c. 136, s. 8), amended

(2) The said section 31 is amended by adding thereto the following subsections:

Notice of unregistered interest

(6) A notice of an unregistered instrument or of an interest or claim dependent upon or arising out of an unregistered instrument shall not be registered under this Act.

Leases

(7) Notwithstanding subsections 2 and 6, a notice of,

(*a*) a lease;

(*b*) a sublease;

(*c*) an assignment of a lease;

(*d*) a mortgage of a lease;

(*e*) an assignment of the lessor's interest in a lease; or

(*f*) a determination or surrender of a lease,

may be registered if it complies with the regulations.

R.S.O. 1960, c. 348, s. 32 (1964, c. 102, s. 9), repealed

6. Section 32 of *The Registry Act*, as re-enacted by section 9 of *The Registry Amendment Act, 1964*, is repealed.

R.S.O. 1960, c. 348, s. 34, subs. 1*a* (1964, c. 102, s. 11), cl. *d*, amended

7.—(1) Clause *d* of subsection 1*a* of section 34 of *The Registry Act*, as enacted by section 11 of *The Registry Amendment Act, 1964*, is amended by adding at the end thereof "or of Canada", so that the clause shall read as follows:

(*d*) an instrument that purports to be executed by an officer of the Government of Ontario or of Canada.

R.S.O. 1960, c. 348, s. 34, subs. 1*a* (1964, c. 102, s. 11), amended

(2) Subsection 1*a* of the said section 34 is amended by adding thereto the following clause:

1967, c. 56

(*p*) a notice or certificate under subsection 5 of section 2 of *The Municipal and School Tax Credit Assistance Act, 1967*.

R.S.O. 1960, c. 348, s. 52 (1966, c. 136, s. 18, subs. 1), subs. 2, amended

8.—(1) Subsection 2 of section 52 of *The Registry Act*, as re-enacted by subsection 1 of section 18 of *The Registry Amendment Act, 1966*, is amended by striking out "stating whether he" in the fifth line and inserting in lieu thereof "or by any other person executing the mortgage stating whether such guarantor or surety", so that the subsection shall read as follows:

Guarantor, etc.

(2) On and after the 1st day of January, 1967, where a person executes a mortgage as a guarantor or surety, the mortgage shall not be registered unless there is made on or securely attached to it an affidavit by such person or by any other person executing the mortgage stating whether such guarantor or surety was of the full age of twenty-one years at the time he executed the mortgage.

R.S.O. 1960, c. 348, s. 52 (1966, c. 136, s. 18, subs. 1), subs. 5, re-enacted

(2) Subsection 5 of the said section 52 is repealed and the following substituted therefor:

Affidavit as to marriage

(5) A deed, conveyance, mortgage, lease, release or quit claim that is made by a man and in which a woman joins as his wife shall not be registered unless there is made on or securely attached to it an affidavit by such man or woman, or, if the document is executed by an attorney, by that attorney, deposing that they were married to one another at the time of execution of the instrument.

R.S.O. 1960, c. 348, s. 53, amended

9. Section 53 of *The Registry Act*, as amended by section 4 of *The Registry Amendment Act, 1965* and section 19 of *The Registry Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Additional exemptions

(6) The Lieutenant Governor in Council may, by regulation, designate corporations to which this section does not apply, in addition to those set out in subsection 4.

R.S.O. 1960, c. 348, s. 58*a* (1966, c. 136, s. 24), re-enacted

10. Section 58*a* of *The Registry Act*, as enacted by section 24 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

Consent under 1958, c. 29 (Can.)

58*a*.—(1) An instrument referred to in subsection 6 of section 58 shall not be registered unless the consent under the *Estate Tax Act* (Canada) is registered in the same manner as the consent or general certificate of the Minister of Revenue.

Idem

(2) Subsection 1 applies only,

(*a*) where the death of the deceased person occurred after the 31st day of December, 1958; and

(*b*) where the instrument referred to in subsection 6 of section 58 is tendered for registration on or after the day on which this section comes into force.

R.S.O. 1960, c. 348, s. 73, amended

11. Section 73 of *The Registry Act*, as amended by section 30 of *The Registry Amendment Act, 1962-63*, section 32 of *The Registry Amendment Act, 1966* and section 8 of *The Registry Amendment Act, 1968*, is further amended by adding thereto the following subsection:

Gas and oil leases

(9) Where an instrument purporting to surrender a registered gas or oil lease has been registered for ten or more years, the registrar shall, wherever the gas or oil lease and any instrument dealing exclusively with the gas or oil lease appear on any abstract index in his office, draw a line in red ink through all such entries and shall initial the same and the lands described in the lease are validly discharged therefrom.

R.S.O. 1960, c. 348, s. 80, amended

12. Section 80 of *The Registry Act*, as amended by section 35 of *The Registry Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Registration deemed notice

(4) The registration of a notice under subsection 7 of section 31 or under section 136 or a declaration

under

under subsection 2 of section 33 constitutes registration of the instrument referred to in the notice or declaration for the purposes of subsection 1 of this section.

13. Clause *a* of subsection 4 of section 96 of *The Registry Act*, as re-enacted by section 37 of *The Registry Amendment Act, 1962-63*, is amended by striking out "planning board" in the first and second lines and inserting in lieu thereof "committee of adjustment" and by inserting after "be" in the third line "attached to or", so that the clause shall read as follows: R.S.O. 1960, c. 348, s. 96 (1962-63, c. 124, s. 37), subs. 4, cl. *a*, amended

(*a*) may require the consent of the committee of adjustment or the Minister of Municipal Affairs to be attached to or endorsed on the instrument if the land is affected by a by-law under section 26 of *The Planning Act;* or R.S.O. 1960 c. 296

. . . . .

14. Clause *h* of subsection 1 of section 126 of *The Registry Act*, as re-enacted by section 48 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 126 (1962-63, c. 124, s. 48), subs. 1, cl. *h*, re-enacted

(*h*) prescribing the minimum and maximum dimensions of instruments tendered for registration.

15. *The Registry Act* is amended by adding thereto the following section: R.S.O. 1960, c. 348, amended

126*a*. Notwithstanding any provision of this Act or of *The Land Titles Act*, the Lieutenant Governor in Council may make regulations for standardizing the procedures in land titles and registry offices and for integrating the records in combined land titles and registry offices, and may limit the application of any provision of the regulations to one or more registry or land titles divisions. Integration of land titles and registry records and procedures R.S.O. 1960, c. 204

16. Subsection 4 of section 130 of *The Registry Act*, as re-enacted by subsection 3 of section 51 of *The Registry Amendment Act, 1966*, is amended by inserting after "document" in the first line "other than a plan of survey", so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 130, subs. 4 (1966, c. 136, s. 51, subs. 3), amended

(4) The registrar shall record every document other than a plan of survey deposited under this Part at full length by means of photographic film reproduction. Recording

17.

R.S.O. 1960, c. 348, s. 135 (1966, c. 136, s. 52), subs. 2, amended

17. Subsection 2 of section 135 of *The Registry Act*, as enacted by section 52 of *The Registry Amendment Act, 1966*, is amended by adding thereto the following clause:

(*ba*) a claim of a corporation authorized to construct or operate a railway, including a street railway or incline railway, in respect of lands acquired by the corporation after the 1st day of January, 1930, and,

(i) owned or used for the purposes of a right-of-way for railway lines, or

(ii) abutting such right-of-way.

R.S.O. 1960, c. 348, s. 136 (1966, c. 136, s. 52), subs. 1, amended

18. Subsection 1 of section 136 of *The Registry Act*, as enacted by section 52 of *The Registry Amendment Act, 1966*, is amended by inserting at the commencement thereof "Subject to subsection 6 of section 31", so that the subsection shall read as follows:

Registration of notice of claim

(1) Subject to subsection 6 of section 31, a person having a claim against land that is not barred under section 135 or a person on his behalf may register in the proper registry office a notice, which shall set forth the claimant's full name and address, a local description of the land and a detailed statement of the claim verified by the affidavit of the person registering the notice.

R.S.O. 1960, c. 348, s. 137 (1966, c. 136, s. 52), amended

19. Section 137 of *The Registry Act*, as enacted by section 52 of *The Registry Amendment Act, 1966*, is amended by inserting after "those" in the second line "of Part I or Part II or", so that the section shall read as follows:

Part to prevail over other provisions,

137. Where there is any conflict between the provisions of this Part and those of Part I or Part II or of any other Act or any regulation made thereunder or any rule of law, the provisions of this Part prevail.

Commencement

20.—(1) This Act, except sections 1, 4, 10 and 17, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 4, 10 and 17 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

21. This Act may be cited as *The Registry Amendment Act, 1968-69*.

CHAPTER 110

An Act to amend The Regulations Act

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regulations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 349, amended

12.—(1) At the commencement of each session of the Legislature a standing committee of the Assembly shall be appointed, to be known as the Standing Committee on Regulations, with authority to sit during the session. Standing Committee on Regulations

(2) Every regulation stands permanently referred to the Standing Committee on Regulations for the purposes of subsection 3. Regulations referred

(3) The Standing Committee on Regulations shall examine the regulations with particular reference to the scope and method of the exercise of delegated legislative power but without reference to the merits of the policy or objectives to be effected by the regulations or enabling statutes, and shall deal with such other matters as are referred to it from time to time by the Assembly. Terms of reference

(4) The Standing Committee on Regulations may examine any member of the Executive Council or any public servant designated by any such member respecting any regulation made under an Act that is under his administration. Authority to call persons

(5) The Standing Committee on Regulations shall, from time to time, report to the Assembly its observations, opinions and recommendations. Report

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Regulations Amendment Act, 1968-69*. Short title

CHAPTER 111

An Act to provide for the Consolidation and Revision of the Regulations

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Commissioners, appointment

1.—(1) Warner Cox Alcombrack, one of Her Majesty's Counsel, and William Russell Anderson, one of Her Majesty's Counsel, Legislative Counsel and Registrar of Regulations respectively, or such other person or persons as the Lieutenant Governor in Council may appoint, are hereby appointed commissioners under the direction of the Minister of Justice and Attorney General to consolidate and revise in accordance with this Act the regulations filed under *The Regulations Act*. R.S.O. 1960, c. 349

Remuneration

(2) The commissioners and such persons as may assist them shall be paid such remuneration for their services under this Act, out of the moneys voted by the Legislature for the purposes of this Act, as the Lieutenant Governor in Council may fix.

Duties

2. The commissioners shall examine the Revised Regulations of Ontario, 1960, and the regulations filed under *The Regulations Act* after the 1st day of January, 1961, and before the 31st day of December, 1970, and shall arrange, consolidate and revise such regulations in accordance with this Act.

Powers

3. In the performance of their duties under this Act, the commissioners may omit any regulation that is obsolete, may alter the numbering and arrangement of any regulation, may make such alterations in language and punctuation as are requisite to obtain a uniform mode of expression, and may make such amendments as are necessary to bring out more clearly what is deemed to be the intention of the authority that made the regulation or to reconcile seemingly inconsistent provisions or to correct clerical, grammatical or typographical errors.

Printed roll to be deposited with Clerk of Assembly

4. As soon as the commissioners report the completion of the consolidation and revision, the Lieutenant Governor may cause a printed roll thereof, attested by his signature and countersigned by the Minister of Justice and Attorney General, to be deposited in the office of the Clerk of the Assembly.

Proclamation

5.—(1) After the deposit of the roll pursuant to section 4, the Lieutenant Governor may by proclamation declare the day upon which the roll will come into force and have effect as law by the designation "Revised Regulations of Ontario, 1970".

Idem

(2) On and after the day so proclaimed, all regulations and parts of regulations not contained in the roll are revoked.

Copies printed by Queen's Printer to be evidence

6. Copies of the Revised Regulations of Ontario, 1970 as printed by the Queen's Printer shall be received as evidence of the regulations as consolidated and revised under this Act in all courts and places whatsoever.

Distribution of copies

7.—(1) The Revised Regulations of Ontario, 1970 shall be distributed as the Lieutenant Governor in Council directs.

Idem

(2) The Lieutenant Governor in Council may make a list of the persons and classes of persons to whom the Revised Regulations of Ontario, 1970 may be distributed free of charge and may fix the price at which copies may be sold by the Queen's Printer.

This Act to be printed with R.R.O. 1970

8. This Act shall be printed with the Revised Regulations of Ontario, 1970 and is subject to the same rules of construction as the Revised Statutes of Ontario, 1970.

How regulations may be cited

9. Regulations in the Revised Regulations of Ontario, 1970 may be cited and referred to as "Revised Regulations of Ontario, 1970, Regulation ", or the abbreviation "R.R.O. 1970, Reg. ", adding in each case the number of the particular regulation.

Short title

10. This Act may be cited as *The Regulations Revision Act, 1968-69*.

CHAPTER 112

An Act to amend The Residential Property Tax Reduction Act, 1968

Assented to May 8th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Residential Property Tax Reduction Act, 1968* is amended by striking out "1967" in the third line and in the eighth line and inserting in lieu thereof in each instance "1968" and by striking out "1968" in the fourth line and inserting in lieu thereof "1969", so that the subsection shall read as follows: 1968, c. 118, s. 1, subs. 2, amended

(2) Where any person who has an interest as owner or tenant in any land believes that any part or parts of such land should have been separately assessed in the year 1968, he may apply in the year 1969 to the treasurer of the local municipality, and, if the treasurer is satisfied that this is the case, he may so certify, and thereupon such part or parts of such land shall be deemed to have been separately assessed in the year 1968 for the purposes of this Act. Where part of land assessed in 1968 should have been separately assessed

2.—(1) Section 2 of *The Residential Property Tax Reduction Act, 1968* is amended by striking out "the amount" in the fifth line and inserting in lieu thereof "50 per cent", so that the section shall read as follows: 1968, c. 118 s. 2, amended

2. Notwithstanding any general or special Act, every local municipality shall reduce the municipal taxes required to be paid in each year by the amount that is produced by the application of the equalized mill rate to $2,000 of the assessment of any residential property or 50 per cent of the total of the municipal taxes on such residential property, whichever is the lesser, provided that where taxes are levied under section 53 of *The Assessment Act*, the reduction to Reduction of municipal taxes R.S.O. 1960, c. 23

be

be made under this section shall be the proportion of the reduction that would otherwise be made under this section that the number of months remaining in the year, after such levy bears to the number 12, and such reduction shall, for the purposes of section 3, be deemed to be made on the date that the payment of the first instalment of taxes is required to be made by by-law passed under section 120 of *The Assessment Act*.

R.S.O. 1960, c. 23

1968, c. 118, s. 2, amended

(2) The said section 2 is further amended by adding thereto the following subsection:

Re tenants of Crown property, etc.

(2) Where a payment in lieu of taxes is made to a local municipality by the Crown in right of Ontario or any agency thereof or The Hydro-Electric Power Commission of Ontario in any year in respect of residential property, the Crown, agency or Commission shall reduce the payment in lieu of taxes by the amount that a tenant thereof would otherwise be entitled to under this Act if the residential property were liable to taxation at the mill rate that was used in the calculation of such payment in lieu of taxes and shall pay or allow as a reduction in rent such amount to the tenant.

1968, c. 118, s. 5, amended

3. Section 5 of *The Residential Property Tax Reduction Act, 1968* is amended by adding thereto the following subsection:

Payment of amount of reduction allowed tenants of Crown

(3) Every local municipality may apply to the Department requesting that it be reimbursed for the amount by which payments to it in lieu of taxes have been reduced by the Crown in right of Canada or Ontario and any agency thereof and The Hydro-Electric Power Commission of Ontario for the purpose of paying or allowing as a reduction in rent to tenants of the Crown, agency or Commission amounts that such tenants would otherwise be entitled to under this Act if the residential properties occupied by them were liable to taxation at the mill rate that was used in the calculation of such payment in lieu of taxes, and the Treasurer of Ontario shall pay to the municipality the total amount of such reductions.

1968, c. 118, s. 8, subs. 1, repealed

4. Subsection 1 of section 8 of *The Residential Property Tax Reduction Act, 1968* is repealed.

Reduction of taxes re tenants of Crown, etc., in 1968

5. The Treasurer of Ontario is authorized to reimburse in the year 1969 the Crown in right of Canada or any agency

thereof

thereof, any agency of the Crown in right of Ontario, The Hydro-Electric Power Commission of Ontario or a local municipality for any amounts that are or have been paid or allowed as a reduction in rent to tenants of the Crown in right of Canada or any agency thereof, or of any agency of the Crown in right of Ontario, or of The Hydro-Electric Power Commission of Ontario equal to the amounts that such tenants would otherwise have been entitled to under this Act in respect of the year 1968 had the residential properties occupied by them been liable to taxation at the mill rate that was used in the calculation of the payment in lieu of taxes made in respect of such properties.

Commencement

6.—(1) This Act, except subsection 2 of section 2, shall be deemed to have come into force on the 1st day of January, 1969.

Idem

(2) Subsection 2 of section 2 shall be deemed to have come into force on the 13th day of June, 1968.

Short title

7. This Act may be cited as *The Residential Property Tax Reduction Amendment Act, 1968-69.*

CHAPTER 113

An Act to amend The Retail Sales Tax Act, 1960-61

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 1 of section 1 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor: 1960-61, c. 91, s. 1, par. 1, re-enacted

1. "admission" includes entry to a place of amusement where any charge is made or fee is collected before or after entry.

(2) Paragraph 2 of the said section 1 is repealed. 1960-61, c. 91, s. 1, par. 2, repealed

(3) Clause *a* of paragraph 5 of the said section 1 is repealed and the following substituted therefor: 1960-61, c. 91, s. 1, par. 5, cl. *a*, re-enacted

(*a*) the price for which the tangible personal property or the taxable service was purchased, including the value in terms of Canadian money of services rendered and things exchanged and other considerations accepted by the vendor or person from whom the tangible personal property passed or taxable services were rendered as the price or on account of the price of the tangible personal property purchased or taxable service received.

(4) Paragraph 6 of the said section 1, as re-enacted by subsection 1 of section 1 of *The Retail Sales Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor: 1960-61, c. 91 s. 1, par. 6 (1961-62, c. 126, s. 1, subs. 1), re-enacted

6. "Minister" means Minister of Revenue.

(5) Paragraph 7 of the said section 1 is repealed and the following substituted therefor: 1960-61, c. 91, s. 1, par. 7, re-enacted

R.S.O. 1960, c. 191, s. 98

7. "person", in addition to its meaning in *The Interpretation Act*, includes Her Majesty in right of Ontario, a municipal corporation, including a metropolitan or regional municipal corporation, or a local board thereof, as defined in *The Department of Municipal Affairs Act*, and any board, commission or authority established under any Act of the Legislature.

7*a*. "place of amusement" means a premises or place, whether enclosed or not, where a cinematograph or moving picture machine or similar apparatus is operated, or where a theatrical performance, carnival, circus, side show, menagerie, concert, rodeo, exhibition, horse race, athletic contest or other performance is staged or held, and to which admission is granted upon payment of a price of admission through the sale of tickets or otherwise.

7*b*. "price of admission" includes every charge made to or fee collected from a purchaser by a vendor before or after admission to a place of amusement.

1960-61, c. 91, s. 1, par. 8 (1962-63, c. 127, s. 1, subs. 1), re-enacted

(6) Paragraph 8 of the said section 1, as re-enacted by subsection 1 of section 1 of *The Retail Sales Tax Amendment Act, 1962-63*, is repealed and the following substituted therefor:

8. "purchaser" means a consumer or person who acquires tangible personal property anywhere, or who acquires or receives a taxable service at a sale in Ontario, for his own consumption or use, or for the consumption or use in Ontario of other persons at his expense, or on behalf of or as agent for a principal who desires to acquire such property or service for consumption or use in Ontario by such principal or other persons at his expense and includes a person who purchases admission for himself to a place of amusement, or a person for whom admission to a place of amusement is purchased by another person.

1960-61, c. 91, s. 1, par. 11, cl. *a*, amended

(7) Clause *a* of paragraph 11 of the said section 1 is amended by adding at the end thereof "or renders to another person a taxable service", so that the clause shall read as follows:

(*a*) any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, including a sale on credit or where the price is payable by instalments, or any other contract whereby at a price

or other consideration a person delivers to another person tangible personal property or renders to another person a taxable service.

(8) Paragraph 13 of the said section 1, as re-enacted by section 1 of *The Retail Sales Tax Amendment Act, 1966*, is repealed and the following substituted therefor: 1960-61, c. 91, s. 1, par. 13 (1966, c. 138, s. 1), re-enacted

13. "tangible personal property" means property that can be seen, weighed, measured, felt or touched, or that is in any way perceptible to the senses, and includes natural or manufactured gas.

(9) The said section 1 is amended by adding thereto the following paragraph: 1960-61, c. 91, s. 1, amended

15. "taxable service" means,

(*a*) telephone services, including long distance calls;

(*b*) telegraph services; and

(*c*) transient accommodation.

(10) Paragraph 16 of the said section 1 is repealed and the following substituted therefor: 1960-61, c. 91, s. 1, par. 16, re-enacted

16. "transient accommodation" means the provision of lodging in hotels, motels, hostels, apartment houses, lodging houses, boarding houses, clubs and other similar accommodation, whether or not a membership is required for the lodging, but does not include lodging let for a continuous period of one month or more or lodging in a lodging house, rooming house, or boarding house, if such house has accommodation for less than four tenants.

(11) Paragraph 18 of the said section 1 is repealed and the following substituted therefor: 1960-61, c. 91, s. 1, par. 18, re-enacted

18. "vendor" means a person who, in the ordinary course of his business,

(*a*) sells tangible personal property;

(*b*) sells or renders a taxable service; or

(*c*) operates a place of amusement.

1960-61, c. 91, s. 2, subs. 1, re-enacted

2.—(1) Subsection 1 of section 2 of *The Retail Sales Tax Act, 1960-61*, as amended by subsection 1 of section 2 of *The Retail Sales Tax Amendment Act, 1966*, is repealed and the following substituted therefor:

Tax on purchaser, of tangible personal property

(1) Every purchaser of tangible personal property, except the classes thereof referred to in subsection 1*a*, shall pay to Her Majesty in right of Ontario a tax in respect of the consumption or use thereof, computed at the rate of 5 per cent of the fair value thereof.

of liquor, beer, wine, meals

(1*a*) Every purchaser of the following classes of tangible personal property shall pay to Her Majesty in right of Ontario a tax in respect of the consumption or use thereof computed at the rate of 10 per cent of the fair value thereof:

1. liquor, beer or wine;

2. prepared meals sold at a price of over $2.50.

of taxable service

(1*b*) Every purchaser of a taxable service shall pay to Her Majesty in right of Ontario a tax in respect thereof computed at the rate of 5 per cent of the fair value thereof.

of admission to place of amusement

(1*c*) Every purchaser of admission to a place of amusement shall pay to Her Majesty in right of Ontario a tax on the price of admission as follows:

Price of Admission	Tax
More than 75 cents and not more than 84 cents	— 6 cents
" " 84 " " " " " 90 "	— 7 "
" " 90 " " " " " 92 "	— 8 "

and where the price of admission is more than 92 cents, a tax at the rate of 10 per cent, calculated upon the price of admission.

1960-61, c. 91, s. 2, subs. 2, re-enacted

(2) Subsection 2 of the said section 2 is repealed and the following substituted therefor:

When tax payable

(2) A purchaser shall pay the tax imposed by this Act at the time of the sale.

1960-61, c. 91, s. 2, subs. 4, amended

(3) Subsection 4 of the said section 2 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister".

(4) Subsection 5 of the said section 2, as amended by subsection 2 of section 2 of *The Retail Sales Tax Amendment Act, 1966*, is repealed. 1960-61, c. 91, s. 2, subs. 5, repealed

(5) Subsection 6 of the said section 2, as amended by subsection 1 of section 1 of *The Retail Sales Tax Amendment Act, 1965*, is further amended by inserting after "Treasurer" in the fifth line "of Ontario". 1960-61, c. 91, s. 2, subs. 6, amended

(6) The said section 2 is amended by adding thereto the following subsection: 1960-61, c. 91, s. 2, amended

(6*a*) Where a person has paid an amount under this Act as tax that is not payable as tax under this Act, the Treasurer of Ontario may refund such amount upon receipt of satisfactory evidence that the amount was wrongfully paid. Idem

(7) Subsection 7 of the said section 2, as amended by subsection 3 of section 2 of *The Retail Sales Tax Amendment Act, 1964* and subsection 3 of section 2 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Comptroller" in the ninth line and inserting in lieu thereof "Minister". 1960-61 c. 91, s. 2, subs. 7, amended

(8) The said section 2 is amended by adding thereto the following subsection: 1960-61, c. 91, s. 2, amended

(10) Where tangible personal property has been purchased exempt from the tax imposed by this Act, and the tangible personal property is subsequently put to a taxable use, the purchaser shall pay the tax imposed by this Act on the fair value of the tangible personal property at the time of change of use. Where exempt property put to taxable use

3.—(1) Subsection 1 of section 3 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor: 1960-61, c. 91, s. 3, subs. 1, re-enacted

(1) No vendor shall sell any tangible personal property or taxable services or operate a place of amusement unless he has been granted upon his application a permit for each place in Ontario where he transacts business and such permit is in force at the time of the sale. Vendor permits

(2) Subsection 2 of the said section 3 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 3, subs. 2, amended

1960-61, c. 91, s. 3, subs. 3, amended

(3) Subsection 3 of the said section 3, as amended by section 3 of *The Retail Sales Tax Amendment Act, 1964*, is further amended by striking out "Comptroller" in the first line and in the amendment of 1964 and inserting in lieu thereof in each instance "Minister".

1960-61, c. 91, s. 3, subs. 4, amended

(4) Subsection 4 of the said section 3 is amended by striking out "Comptroller" in the second line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 4, re-enacted

4. Section 4 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor:

Sales in bulk, R.S.O. 1960, c. 43

4.—(1) No person shall dispose of his stock through a sale in bulk as defined in *The Bulk Sales Act* without first obtaining a certificate in duplicate from the Minister that all taxes collectable or payable by such person have been paid.

Idem

(2) Every person purchasing stock through a sale in bulk as defined in *The Bulk Sales Act* shall obtain from the person selling such stock the duplicate copy of the certificate furnished under subsection 1, and, if he fails to do so, he is responsible for payment to the Treasurer of Ontario of all taxes collectable or payable by the person thus disposing of his stock through a sale in bulk.

1960-61, c. 91, s. 5, pars. 1, 2, re-enacted

5.—(1) Paragraphs 1 and 2 of section 5 of *The Retail Sales Tax Act, 1960-61* are repealed and the following substituted therefor:

1. food products for human consumption except candies and other confections and soft drinks;

2. prepared meals sold at a price of $2.50 or less.

1960-61, c. 91, s. 5, par. 9, amended

(2) Paragraph 9 of the said section 5, as amended by subsection 3 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Treasurer" in the amendment of 1966 and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 5, par. 10, amended

(3) Paragraph 10 of the said section 5, as amended by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Treasurer" in the amendment of 1966 and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 5, par. 12 (1967, c. 88, s. 2, subs. 1), amended

(4) Paragraph 12 of the said section 5, as re-enacted by subsection 1 of section 2 of *The Retail Sales Tax Amendment Act, 1967*, is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

(5) Paragraph 16 of the said section 5 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 16, amended

(6) Paragraph 18 of the said section 5 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 18, amended

(7) Paragraph 24 of the said section 5, as re-enacted by subsection 6 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 24 (1966, c. 138, s. 3, subs. 6), amended

(8) Paragraph 25 of the said section 5, as re-enacted by subsection 6 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 25 (1966, c. 138, s. 3, subs. 6), amended

(9) Paragraph 37 of the said section 5, as re-enacted by subsection 8 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 37 (1966, c. 138, s. 3, subs. 8), amended

(10) Paragraph 38 of the said section 5, as re-enacted by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by subsection 2 of section 2 of *The Retail Sales Tax Amendment Act, 1967*, is repealed. 1960-61, c. 91, s. 5, par. 38 (1961-62, c. 126, s. 3, subs. 4), repealed

(11) Paragraph 39 of the said section 5, as re-enacted by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by subsection 3 of section 2 of *The Retail Sales Tax Amendment Act, 1967*, is further amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 39 (1961-62, c. 126, s. 3, subs. 4), amended

(12) Paragraph 44 of the said section 5, as enacted by subsection 7 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 44 (1961-62, c. 126, s. 3, subs. 7), amended

(13) Paragraph 45 of the said section 5, as re-enacted by subsection 7 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 45 (1961-62, c. 126, s. 3, subs. 7), amended

(14) Paragraph 48 of the said section 5, as re-enacted by subsection 8 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5, par. 48 (1961-62, c. 126, s. 3, subs. 8), amended

1960-61, c. 91, s. 5, par. 50, amended

(15) Paragraph 50 of the said section 5 is amended by striking out "by the glass", so that the paragraph shall read as follows:

50. draft beer sold on licensed premises.

1960-61, c. 91, s. 5, par. 51, repealed

(16) Paragraph 51 of the said section 5 is repealed.

1960-61, c. 91, s. 5, par. 53 (1961-62, c. 126, s. 3, subs. 9), amended

(17) Paragraph 53 of the said section 5, as enacted by subsection 9 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 5, par. 56 (1961-62, c. 126, s. 3, subs. 9), amended

(18) Paragraph 56 of the said section 5, as enacted by subsection 9 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by subsection 10 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 5, par. 57 (1961-62, c. 126, s. 3, subs. 9), amended

(19) Paragraph 57 of the said section 5, as enacted by subsection 9 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by subsection 11 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 5, par. 58 (1961-62, c. 126, s. 3, subs. 9), amended

(20) Paragraph 58 of the said section 5, as enacted by subsection 9 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" in the second line and in the third line and inserting in lieu thereof in each instance "Minister".

1960-61, c. 91, s. 5, par. 59 (1961-62, c. 126, s. 3, subs. 9), amended

(21) Paragraph 59 of the said section 5, as enacted by subsection 9 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 5, par. 61 (1964, c. 104, s. 4), amended

(22) Paragraph 61 of the said section 5, as enacted by section 4 of *The Retail Sales Tax Amendment Act, 1964* and amended by subsection 12 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 5, par. 65 (1966, c. 138, s. 3, subs. 14), amended

(23) Paragraph 65 of the said section 5, as enacted by subsection 14 of section 3 of *The Retail Sales Tax Amendment Act, 1966*, is amended by striking out "Treasurer" and inserting in lieu thereof "Minister".

(24) The said section 5 is amended by adding thereto the following subsections: 1960-61, c. 91, s. 5, amended

(2) The purchaser of tangible personal property purchased to provide a taxable service is not exempt from the tax imposed by this Act. Exceptions

(3) No taxable service is exempt from the tax imposed by this Act by reason of the fact that the tangible personal property used in providing the taxable service is tangible personal property in respect of which tax imposed by this Act has been paid. Idem

6.—(1) Section 5*b* of *The Retail Sales Tax Act, 1960-61*, as enacted by section 4 of *The Retail Sales Tax Amendment Act, 1961-62*, is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 5*b* (1961-62, c. 126, s. 4), amended

(2) The said section 5*b* is further amended by adding thereto the following subsections: 1960-61, c. 91, s. 5*b* (1961-62, c. 126, s. 4), amended

(2) Where special circumstances exist, whether of a religious, charitable or educational nature or otherwise, the Lieutenant Governor in Council may, upon application of the vendor made to the Minister at least ten days before the tax would otherwise be payable, exempt the purchaser from the payment and the vendor from collection of the tax imposed by subsection 1*c* of section 2. Idem

(3) Where it is shown to the satisfaction of the Minister that the tax calculated on the price of admission to a place of amusement at or in which an entertainment has been held for the purpose of raising funds for religious, charitable or educational purposes was collected and paid to Her Majesty in right of Ontario in accordance with subsection 1*c* of section 2, and where the vendor files with the Minister a statement, verified by his affidavit, giving in detail all receipts and expenses in connection with the entertainment and the receipt of the organization to which the proceeds were donated acknowledging receipt of the proceeds is attached thereto, and where the Minister is satisfied that the organization is one the operations of which are carried on exclusively for religious, charitable or educational purposes or for any combination of such purposes, there may be paid to the organization an amount equal to that proportion of the tax so collected and paid which the proceeds acknowledged as received by the organization bear to the gross amount received by the vendor as the price of admission to such place of amusement. Idem

Canadian performances

(4) Where application of the vendor is made to the Minister at least ten days before the tax imposed by subsection 1*c* of section 2 would otherwise be payable and the Minister is satisfied that the performers in a theatrical or musical performance in a place of amusement are residents of Canada performing under the management of a person resident in Canada and that the performance will not be presented with the showing of a motion picture or with a carnival, circus, side show, menagerie, rodeo, exhibition, horse race, athletic contest or other performance, the Minister may, in his absolute discretion, exempt the purchaser from the payment and the vendor from the collection of the tax imposed by subsection 1*c* of section 2.

1960-61, c. 91, s. 6, subs. 1, amended

7. Subsection 1 of section 6 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 7, amended

8. Section 7 of *The Retail Sales Tax Act, 1960-61* is amended by inserting after "Treasurer" in the fifth line "of Ontario".

1960-61, c. 91, s. 8, amended

9. Section 8 of *The Retail Sales Tax Act, 1960-61* is amended by inserting after "Treasurer" in the second line "of Ontario".

1960-61, c. 91, s. 9, subs. 1, amended

10. Subsection 1 of section 9 of *The Retail Sales Tax Act, 1960-61*, as amended by section 5 of *The Retail Sales Tax Amendment Act, 1961-62*, is further amended by striking out "Treasurer" in the first line and in the fourth line and inserting in lieu thereof in each instance "Minister".

1960-61, c. 91, s. 10, subs. 1, amended

11.—(1) Subsection 1 of section 10 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 10, subs. 2 (1964, c. 104, s. 6), amended

(2) Subsection 2 of the said section 10, as enacted by section 6 of *The Retail Sales Tax Amendment Act, 1964*, is amended by striking out "Comptroller" in the second line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 12, (1964, c. 104, s. 7), subs. 2, amended

12. Subsection 2 of section 12 of *The Retail Sales Tax Act, 1960-61*, as re-enacted by section 7 of *The Retail Sales Tax Amendment Act, 1964*, is amended by striking out "Treasurer" in the first line and in the eleventh line and inserting in lieu thereof in each instance "Minister".

1960-61, c. 91, s. 13, subs. 1, re-enacted

13.—(1) Subsection 1 of section 13 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor:

(1) Where a vendor fails to make a return or a remittance as required under this Act or if his returns are not substantiated by his records, the Minister may make an assessment of the tax collected by such vendor for which he has not accounted and such assessed amount shall thereupon be deemed to be the tax collected by the vendor. Assessment of tax collected

(2) Subsection 2 of the said section 13 is amended by striking out "Comptroller" in the seventh line and in the eighth line and inserting in lieu thereof in each instance "Minister". 1960-61, c. 91, s. 13, subs. 2, amended

(3) Subsection 3 of the said section 13 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 13, subs. 3, amended

(4) Subsection 4 of the said section 13 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister" and by inserting after "Treasurer" in the fifth line "of Ontario". 1960-61, c. 91, s. 13, subs. 4, amended

(5) Subsection 6 of the said section 13 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 13, subs. 6, amended

(6) Subsection 8 of the said section 13 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 13, subs. 8, amended

14. Subsection 2 of section 14 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Comptroller" in the first line, in the third line and in the eleventh line and inserting in lieu thereof in each instance "Minister". 1960-61 c. 91, s. 14, subs. 2, amended

15. Section 15 of *The Retail Sales Tax Act, 1960-61*, as re-enacted by section 6 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by section 8 of *The Retail Sales Tax Amendment Act, 1964*, is further amended by striking out "Comptroller" in the fifth line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 15 (1961-62, c. 126, s. 6), amended

16.—(1) Subsection 1 of section 17 of *The Retail Sales Tax Act, 1960-61*, as amended by section 4 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 17, subs. 1, amended

(2) Subsection 2 of the said section 17 is amended by striking out "Comptroller" in the second line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 17, subs. 2, amended

1960-61, c. 91, s. 17, subs. 3, amended

(3) Subsection 3 of the said section 17 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 18, subs. 1, amended

17.—(1) Subsection 1 of section 18 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the third line and in the seventh line and inserting in lieu thereof in each instance "Minister".

1960-61, c. 91, s. 18, subs. 2, amended

(2) Subsection 2 of the said section 18 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 18, subs. 3, amended

(3) Subsection 3 of the said section 18 is amended by striking out "Treasurer" in the first line and "Comptroller" in the second line and inserting in lieu thereof in each instance "Minister".

1960-61, c. 91, s. 18, subs. 5, amended

(4) Subsection 5 of the said section 18 is amended by striking out "Treasurer" in the fifth line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 18, subs. 6, amended

(5) Subsection 6 of the said section 18 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 19, subs. 1, amended

18. Subsection 1 of section 19 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 20, subs. 3, cl. *c*, subcl. iv, amended

19. Subclause iv of clause *c* of subsection 3 of section 20 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 21, amended

20. Section 21 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 24, subs. 1, amended

21.—(1) Subsection 1 of section 24 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 24, subs. 2, amended

(2) Subsection 2 of the said section 24 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 24, subs. 3, amended

(3) Subsection 3 of the said section 24, as amended by section 5 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister".

(4) Subsection 4 of the said section 24 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister" and by striking out "Office of the Comptroller of Revenue" in the fifth and sixth lines and inserting in lieu thereof "Department of Revenue". 1960-61, c. 91, s. 24, subs. 4, amended

(5) Subsection 5 of the said section 24 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 24, subs. 5, amended

(6) Subsection 6 of the said section 24 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister" and by striking out "Office of the Comptroller of Revenue" in the third and fourth lines and inserting in lieu thereof "Department of Revenue". 1960-61, c. 91, s. 24, subs. 6, amended

(7) Subsection 7 of the said section 24 is amended by striking out "Office of the Comptroller of Revenue" in the fourth line and inserting in lieu thereof "Department of Revenue" and by striking out "Comptroller" in the sixth line and in the seventh line and inserting in lieu thereof in each instance "Minister". 1960-61, c. 91, s. 24, subs. 7, amended

22. Section 26 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 26, amended

23. Section 27 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor: 1960-61, c. 91, s. 27, re-enacted

Interest

27.—(1) Any amount payable or to be remitted to the Treasurer of Ontario under this Act bears interest, at such rate as is prescribed by the regulations, from the day on which such amount should have been paid or remitted to the Treasurer of Ontario to the day of payment or until thirty days following the day on which a notice of assessment is mailed under subsection 4 or 6 of section 13, whichever is the earlier date.

Idem

(2) The amount due as shown by a notice of assessment made under subsection 4 or 6 of section 13 shall, if it is not paid within thirty days from the day of mailing of the notice of assessment, bear interest, at such rate as is prescribed by the regulations, calculated from thirty days after the day of mailing of the notice of assessment until the day of payment.

24.—(1) Subsection 1 of section 28 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister" and by inserting after "Treasurer" in the seventh line "of Ontario". 1960-61, c. 91, s. 28, subs. 1, amended

1960-61, c. 91, s. 28, subs. 2, amended

(2) Subsection 2 of the said section 28 is amended by inserting after "Treasurer" in the first line "of Ontario".

1960-61, c. 91, s. 28, subs. 3, amended

(3) Subsection 3 of the said section 28 is amended by inserting after "Treasurer" in the sixth line "of Ontario".

1960-61, c. 91, s. 29, subs. 1, cl. *a*, amended

25.—(1) Clause *a* of subsection 1 of section 29 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Treasurer" in the first line and in the fifth line and inserting in lieu thereof in each instance "Minister".

1960-61, c. 91, s. 29, subs. 1, cl. *b*, amended

(2) Clause *b* of subsection 1 of the said section 29 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 29, subs. 2, amended

(3) Subsection 2 of the said section 29 is amended by striking out "Treasurer or the Comptroller" in the third line and inserting in lieu thereof "Minister" and by striking out "Treasurer or of any officer of the Office of the Comptroller of Revenue" in the eighth and ninth lines and inserting in lieu thereof "Minister or of any officer of the Department of Revenue".

1960-61, c. 91, s. 31, subs. 1, amended

26.—(1) Subsection 1 of section 31 of *The Retail Sales Tax Act, 1960-61*, as amended by section 6 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by striking out "Comptroller" in the first line and in the fourth line and inserting in lieu thereof in each instance "Minister", by inserting after "Treasurer" in the second line "of Ontario" and by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 31, subs. 2, amended

(2) Subsection 2 of the said section 31 is amended by inserting after "Treasurer" in the second line "of Ontario" and by striking out "Comptroller" in the third line and inserting in lieu thereof "Minister".

1960-61, c. 91, s. 31, subs. 3 (1964, c. 104, s. 11), amended

(3) Subsection 3 of the said section 31, as enacted by section 11 of *The Retail Sales Tax Amendment Act, 1964*, is amended by inserting after "Treasurer" in the fifth line and in the seventh line "of Ontario" and by striking out "Treasurer" in the eighth line and in the fourteenth line and inserting in lieu thereof in each instance "Minister".

1960-61, c. 91, s. 31, subs. 4 (1964, c. 104, s. 11), amended

(4) Subsection 4 of the said section 31, as enacted by section 11 of *The Retail Sales Tax Amendment Act, 1964*, is amended by striking out "Treasurer" in the third line and in the eighth line and inserting in lieu thereof in each instance "Minister" and by inserting after "Treasurer" in the sixth line and in the seventh line "of Ontario".

27.—(1) Subsection 3 of section 35 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Comptroller" in the first line and in the fifth line and inserting in lieu thereof in each instance "Minister". 1960-61, c. 91, s. 35, subs. 3, amended

(2) Subsection 4 of the said section 35 is amended by striking out "Comptroller" in the second line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 35, subs. 4, amended

(3) Subsection 7 of the said section 35 is amended by inserting after "Treasurer" in the second line "of Ontario". 1960-61, c. 91, s. 35, subs. 7, amended

28. Section 36 of *The Retail Sales Tax Act, 1960-61* is amended by striking out "Comptroller" in the third line and inserting in lieu thereof "Minister". 1960-61, c. 91, s. 36, amended

29.—(1) Clause *c* of subsection 2 of section 39 of *The Retail Sales Tax Act, 1960-61* is repealed and the following substituted therefor: 1960-61, c. 91, s. 39, subs. 2, cl. *c*, re-enacted

(*c*) authorizing or requiring the Deputy Minister or any other officer of the Department of Revenue to exercise any power or perform any duty conferred or imposed upon the Minister by this Act.

(2) Subsection 2 of the said section 39, as amended by section 12 of *The Retail Sales Tax Amendment Act, 1964* and section 7 of *The Retail Sales Tax Amendment Act, 1966*, is further amended by adding thereto the following clause: 1960-61, c. 91, s. 39, subs. 2, amended

(*h*) prescribing the rates of interest payable on amounts payable to or to be remitted to the Treasurer of Ontario under this Act.

30. This Act comes into force on the 1st day of April, 1969. Commencement

31. This Act may be cited as *The Retail Sales Tax Amendment Act, 1968-69*. Short title

CHAPTER 114

An Act to amend The Schools Administration Act

Assented to, except section 6, December 17th, 1969
Section 6 assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 3 of subsection 2 of section 1 of *The Schools Administration Act* is repealed. R.S.O. 1960, c. 361, s. 1, subs. 2, par. 3, repealed

(2) Paragraph 24 of subsection 2 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 361, s. 1, subs. 2, par. 24, re-enacted

24. "perfect aggregate attendance" for a calendar year means the number of pupil-days obtained by adding,

i. the product of,

a. the number of teaching days in the calendar year, and

b. the sum of the number of pupils registered for full-day attendance, and one-half of the number of pupils registered for half-day attendance, at the school during the calendar year, and

ii. the sum of the products of,

a. the number of pupils enrolled in each summer-school course or each evening course of study operated by the board, and

b. one-fifth of the number of hours in the length of such summer-school course or such evening course of study,

and subtracting therefrom,

iii.

iii. the number of full pupil-days of non-attendance or the equivalent of full pupil-days of non-attendance (a full pupil-day being two days of non-attendance in the case of a pupil registered for half-day attendance, and five hours of non-attendance in the case of a pupil registered in a summer-school course or an evening course of study) caused by,

a. deaths,

b. late registrations,

c. termination of registrations,

d. expulsions, and

e. exclusions.

R.S.O. 1960, c. 361, s. 1, subs. 2, par. 35, amended

(3) Paragraph 35 of subsection 2 of the said section 1 is amended by striking out "continuation" in the first line, so that the paragraph shall read as follows:

35. "secondary school" means a high or vocational school.

R.S.O. 1960, c. 361, s. 1, subs. 2, par. 36, amended

(4) Paragraph 36 of subsection 2 of the said section 1 is amended by striking out "continuation or" in the first line, so that the paragraph shall read as follows:

36. "secondary school district" means a high school district.

R.S.O. 1960, c. 361, s. 17, subs. 1, amended

2. Subsection 1 of section 17 of *The Schools Administration Act* is amended by inserting after "made" in the seventh line "or has not been amended to incorporate any change made in the form of contract so prescribed", so that the subsection shall read as follows:

Memorandum of contract

(1) A memorandum of every contract of employment between a board and a permanent teacher or a probationary teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made, or has not been amended to incorporate any change made in the form of contract so prescribed, every contract shall be deemed to include the terms and conditions contained in the

form of contract prescribed for a permanent teacher, and the teacher's salary shall be payable in ten monthly payments in the manner provided therein.

3. Subsection 3 of section 27 of *The Schools Administration Act*, as amended by section 6 of *The Schools Administration Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 361, s. 27, subs. 3, re-enacted

(3) Upon directing a judge to act as chairman of a Board of Reference, the Minister shall cause notice thereof to be sent by registered mail to the board and teacher involved in the disagreement and the notice shall require each of them to name to the Board of Reference a representative who is not the teacher involved or a member of the board and to send by registered mail to the Minister a notice of such nomination within twelve days of the sending of the notice by the Minister. Naming of representatives

4.—(1) Paragraph 16*a* of section 35 of *The Schools Administration Act*, as enacted by subsection 1 of section 8 of *The Schools Administration Amendment Act, 1968*, is amended by inserting after "bank" in the fourth line "or lend such moneys to any municipality by way of promissory note of the municipality" and by striking out "or deposit certificates" in the sixth line and inserting in lieu thereof "deposit certificates or promissory notes", so that the paragraph shall read as follows: R.S.O. 1960, c. 361, s. 35, par. 16*a* (1968, c. 121, s. 8, subs. 1), amended

16*a*. invest moneys not required immediately by the board in treasury bills or short-term bonds of the Government of Canada or Province of Ontario and in fixed-term deposits with any chartered bank or lend such moneys to any municipality by way of promissory note of the municipality, provided that the treasury bills, short-term bonds, deposit certificates or promissory notes become due and payable before the moneys invested therein are required by the board, and all interest thereon shall be credited to the fund from which the moneys were invested. idem

(2) The said section 35 is amended by adding thereto the following paragraph: R.S.O. 1960, c. 361, s. 35, amended

24*a*. provide, during the school year or at other times, activities and programmes on or off school premises, including field trips, and exercise jurisdiction over those persons participating therein. activities

(3)

R.S.O. 1960, c. 361, s. 35, amended

(3) The said section 35 is further amended by adding thereto the following paragraph:

evening classes

27*b*. establish evening classes.

R.S.O. 1960, c. 361, s. 35, par. 29, re-enacted

(4) Paragraph 29 of the said section 35 is repealed and the following substituted therefor:

board for courses in conservation

29. provide or pay for board and lodging for a pupil for a period not exceeding two weeks in any year while he participates, with the consent of his parent or guardian and with the permission of the board, in a natural science, conservation or other out-of-classroom programmes.

R.S.O. 1960, c. 361, s. 35, par. 39 (1968, c. 121, s. 8, subs. 4), re-enacted

(5) Paragraph 39 of the said section 35, as enacted by subsection 4 of section 8 of *The Schools Administration Amendment Act, 1968*, is repealed and the following substituted therefor:

agreements for joint use of facilities

39. enter into an agreement with the council of a municipality, including a regional municipality or a county, or a local board thereof except a school board, in respect of the joint use of educational and municipal facilities.

R.S.O. 1960, c. 361, s. 35, amended

(6) The said section 35 is further amended by adding thereto the following paragraph:

recreation committees

40. where a recreation committee or a joint recreation committee has been appointed for territory without municipal organization within the jurisdiction of the board, exercise the powers and duties of a municipal council with respect to preparing estimates of the sums required during the year for the purposes of the committee or joint committee, and levying rates and collecting taxes for such purposes on the rateable property supporting the board in such territory, and where such a joint recreation committee has been appointed, apportion the costs of such committee by agreement with the other board concerned.

R.S.O. 1960, c. 361, amended

5. *The Schools Administration Act* is amended by adding thereto the following section:

Agreements re pupils in federal establishments

35*e*. A board may enter into an agreement with the Crown in right of Canada for such periods and under such conditions as are specified in the agreement whereby the board may provide for the education of pupils who reside on land held by the Crown in

right

right of Canada in a school or schools operated by the board on land owned by the board or by the Crown in right of Canada.

6.—(1) Subsection 1 of section 36 of *The Schools Administration Act*, as re-enacted by subsection 1 of section 10 of *The Schools Administration Amendment Act, 1968*, is amended by striking out "trustees" in the first line and inserting in lieu thereof "members of a board of education", so that the subsection, exclusive of the table, shall read as follows: R.S.O. 1960, c. 361, s. 36, subs. 1 (1968, c. 121, s. 10, subs. 1), amended

(1) A board may pay to each trustee, except members of a board of education who are not entitled to vote on a motion that affects public schools exclusively, for each month an honorarium not exceeding an amount based on the enrolment on the 30th day of September in the preceding year in all the schools which, on the 1st day of January of the current year, are operated by the board, as follows: Honorarium for trustees

. . . . .

(2) Subsection 3 of the said section 36, as re-enacted by subsection 4 of section 10 of *The Schools Administration Amendment Act, 1968*, is amended by striking out "appointed by the board" in the second and third lines, so that the subsection shall read as follows: R.S.O. 1960, c. 361, s. 36, subs. 3 (1968, c. 121, s. 10, subs. 4), amended

(3) A board of education may pay to each member of an advisory vocational committee, who is not a trustee, an honorarium for each month not exceeding one-half of the amount provided in subsection 1 based on the enrolment on the 30th day of September in the preceding year in all secondary schools which, on the 1st day of January of the current year, are operated by the board. Members of advisory vocational committees

7. Section 37 of *The Schools Administration Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 361, s. 37, amended

(11) Where a pupil resides in a school section or a separate school zone with his parent or guardian in a residence from which daily transportation to and from an elementary school that he may attend is impracticable due to distance or terrain, as certified by the supervisory officer who has jurisdiction in the school section or the separate school zone, the board of the elementary school of which he is a resident pupil may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, Boarding of elementary school pupils where transportation impracticable

board

board, lodging and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the elementary school that the pupil attends.

Certification of attendance

(12) For the purpose of certifying attendance under subsections 6 to 11, the principal may add to the number of days of attendance of a pupil the number of days the pupil is absent by reason of being sick or is absent for any other cause if the principal is of the opinion that the absence was unavoidable.

R.S.O. 1960, c. 361, s. 40, subs. 1, amended

8.—(1) Subsection 1 of section 40 of *The Schools Administration Act*, as amended by section 3 of *The Schools Administration Amendment Act, 1960-61*, is further amended by striking out "during his life" in the second line and inserting in lieu thereof "for such period as the board may determine", so that the first four lines of the subsection shall read as follows:

Retirement allowances

(1) A board may grant an annual retirement allowance, payable weekly, monthly or otherwise for such period as the board may determine, to any employee of the board who has been in the service of the board for at least twenty years and who,

. . . . .

R.S.O. 1960, c. 361, s. 40, amended

(2) The said section 40 is amended by adding thereto the following subsection:

Widow or widower

(1*a*) Where an employee,

(*a*) has been granted an annual retirement allowance under subsection 1 and subsequently dies; or

(*b*) would have been eligible, except for his death, for such an allowance,

the board may grant to the widow or widower of such employee for such period as the board may determine an annual allowance, not exceeding one-half of the maximum allowance that may be granted under subsection 1.

R.S.O. 1960, c. 361, s. 43, subs. 9, re-enacted

9.—(1) Subsection 9 of section 43 of *The Schools Administration Act* is repealed and the following substituted therefor:

Quorum

(9) The presence of a majority of all the members constituting a board is necessary to form a quorum, except that when a board of education is dealing with matters that affect public schools exclusively,

the

the presence of a majority of the members elected to the board of education by the public school electors is necessary to form a quorum.

(2) Subsection 10 of the said section 43, as amended by section 8 of *The Schools Administration Amendment Act, 1965*, is further amended by striking out "subsection 1 of section 57" in the amendment of 1965 and inserting in lieu thereof "subsection 6 of section 83", so that the subsection shall read as follows: R.S.O. 1960, c. 361, s. 43, subs. 10, amended

(10) Subject to subsection 6 of section 83 of *The Secondary Schools and Boards of Education Act*, the presiding officer, except where he is the secretary of the board and is not a member, may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negatived. Chairman voting; equality of votes R.S.O. 1960, c. 362

10.—(1) Subsection 1 of section 54 of *The Schools Administration Act*, as re-enacted by section 10 of *The Schools Administration Amendment Act, 1966*, is amended by inserting after "board" in the third line "except a county or district combined separate school board and a divisional board of education that is not a divisional board of education of a defined city", so that the subsection shall read as follows: R.S.O. 1960, c. 361, s. 54 (1966, c. 140, s. 10), subs. 1, amended

(1) Notwithstanding any other Act, where the council of a municipality is required to conduct the election of trustees for a board, except a county or district combined separate school board and a divisional board of education that is not a divisional board of education of a defined city, and biennial or triennial elections have been provided for members of council, the trustees shall be elected biennially or triennially in the same year as the members of council and shall hold office for two or three years, as the case may be. Biennial or triennial elections

(2) Subsection 4 of the said section 54 is repealed. R.S.O. 1960, c. 361, s. 54 (1966, c. 140, s. 10), subs. 4, repealed

11. Section 62, as amended by section 12 of *The Schools Administration Amendment Act, 1965*, and sections 63, 64, 67, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78 and 79 of *The Schools Administration Act* are repealed. R.S.O. 1960, c. 361, ss. 62-64, 67, 69-79, repealed

12. Section 92 of *The Schools Administration Act* is repealed. R.S.O. 1960, c. 361, s. 92, repealed

13.—(1) Subsection 1 of section 100*a* of *The Schools Administration Act*, as re-enacted by section 22 of *The Schools Administration Amendment Act, 1967* and amended by section 21 of *The Schools Administration Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 361, s. 100*a*, subs. 1 (1967, c. 90, s. 22), re-enacted

(1)

Fees for non-resident pupils, calculation

(1) Where a board provides education for pupils whose fees are receivable from another board, from Canada or from Ontario, the fees shall be calculated by the use of financial data and average daily enrolment in respect of elementary schools or secondary schools, as the case may be, for the year in which such education is provided,

(*a*) by ascertaining the gross current expenditure for the maintenance of the schools under the jurisdiction of the board, excluding expenditure for tuition fees, for daily transportation of pupils to school and return and for board, lodging and transportation once a week to school and return;

(*b*) by ascertaining the total gross revenue from all sources, excluding legislative grants, taxation, tuition fees and costs recoverable from Ontario;

(*c*) by deducting the amount determined under clause *b* from the amount determined under clause *a*;

(*d*) by ascertaining the average daily enrolment as adjusted by the application of the appropriate course weighting factors as prescribed in the regulations for the year in which such education is provided, of pupils at schools under the jurisdiction of the board;

(*e*) by dividing the amount determined under clause *c* by the average daily enrolment as adjusted under clause *d*;

(*f*) by multiplying the average daily enrolment, as adjusted by the application of the appropriate course weighting factors, of pupils whose fees are receivable from another board, from Canada or from Ontario, by the sum of,

(i) the amount determined under clause *e*, and

(ii) the pupil accommodation charge as prescribed in the regulations for the year in which such education is provided.

(1*a*) For the purposes of subsection 1, "average daily enrolment" in respect of elementary schools or secondary schools, as the case may be, means the quotient obtained by dividing the perfect aggregate attendance for a calendar year in respect of such schools by the number of school days in the year. Average daily enrolment

R.S.O. 1960, c. 361, s. 100*a*, subs. 2 (1967, c. 90, s. 22), re-enacted

(2) Subsection 2 of the said section 100*a*, as re-enacted by section 22 of *The Schools Administration Amendment Act, 1967*, is repealed and the following substituted therefor:

Special education classes

(2) Where a board provides instruction in a special education class for a pupil,

(*a*) whose fee is receivable from another board, from Canada or from Ontario, the fee shall be such as the board may prescribe, but shall not be less than the fee calculated under subsection 1 or more than the product obtained by multiplying the fee calculated under subsection 1 by the ratio of 30 for an elementary school pupil or of 20 for a secondary school pupil, as the case may be, to the maximum enrolment for such special education class under the regulations;

(*b*) whose fee is receivable from a parent or guardian, the fee shall be such as the board may prescribe, but shall not exceed the product obtained by multiplying the fee calculated under subsection 1, except that the financial and attendance data used in the calculation shall be in respect of the year immediately preceding the year in which the pupil is enrolled and under clause *b* of subsection 1 the gross revenue shall not be reduced by legislative grants, by the ratio of 30 for an elementary school pupil or of 20 for a secondary school pupil, as the case may be, to the maximum enrolment for such special education class under the regulations.

R.S.O. 1960, c. 361, s. 100*a* (1965, c. 118, s. 18), subss. 3-5, re-enacted

(3) Subsections 3, 4 and 5 of the said section 100*a* are repealed and the following substituted therefor:

Fees for trainable retarded children for 1969

(3) For the purposes of calculating fees for the year 1969 under subsection 1 for a pupil who attends a school for trainable retarded children, the financial data and average daily enrolment in respect of such schools under the jurisdiction of the board shall be used.

Fees payable by individuals

(4) Where a board provides instruction for a pupil in respect of whom fees are required to be paid, other than a pupil whose fees are receivable from another board, from Canada or from Ontario, the fees payable by or on behalf of the pupil shall be such as the board may prescribe, but shall not exceed the fees calculated as provided in subsection 1, except that under clause *b* of subsection 1 the gross revenue shall not be reduced by legislative grants and except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled.

When fees payable by boards

(5) The fees payable by a board for the education of pupils shall be paid, when requested by the treasurer of the board that provides the education, on an estimated basis at least quarterly during the year in which the education is provided, with such adjustment as may be required when the actual financial data and attendance for the year have been finally determined, and the estimate shall be not less than the rate per pupil chargeable for a similar period in the preceding year times 90 per cent of the number of such pupils enrolled at the beginning of the current school term.

R.S.O. 1960, c. 361, Pt. X (ss. 100, 100*a*), amended

14. Part X of *The Schools Administration Act*, as enacted by section 4 of *The Schools Administration Amendment Act, 1962-63* and amended by section 18 of *The Schools Administration Amendment Act, 1965*, section 22 of *The Schools Administration Amendment Act, 1967* and section 21 of *The Schools Administration Amendment Act, 1968*, is further amended by adding thereto the following section:

Reduction of requisition or rates

100*b*.—(1) Where in any year provision is made by regulation for a grant to a board for the purpose, in such year, of limiting the amount of the requisition for public or secondary school purposes or of limiting the increase in the mill rate for separate school purposes in respect of,

(*a*) a municipality or part thereof; or

(*b*) a part of territory without municipal organization that is deemed to be a district municipality,

under the jurisdiction of the board, the board shall, in such year, notwithstanding the provisions of any other Act, apply the grant to reduce the amount of the requisition that otherwise would be required for

public

public or secondary school purposes or to reduce the mill rate that otherwise would be required to be levied for separate school purposes, as the case may be, in respect of the municipality or part thereof, or the district municipality.

Application of grant

(2) Where, after the audited financial data in respect of a board for a year have been determined, the sum that was required for the actual expenditures for elementary or secondary school purposes of the board from a municipality or part, or district municipality, when reduced by the amount of the grant that is receivable by the board in respect of such municipality or part, or district municipality, pursuant to regulations referred to in subsection 1 differs from the sum that was requisitioned from, or levied in, such municipality or part, or district municipality, the difference shall be added to or subtracted from the sum that is estimated to be required from, or levied in, such municipality or part, or district municipality, for elementary or secondary school purposes in the next following year.

15. Subsection 1 of section 104 of *The Schools Administration Act*, as enacted by section 11 of *The Schools Administration Amendment Act, 1964*, is amended by inserting after "board" in the first line "except a divisional board of education under Part VI of *The Secondary Schools and Boards of Education Act*", so that the subsection shall read as follows:

R.S.O. 1960, c. 361, s. 104 (1964, c. 105, s. 11), subs. 1, amended

Submission of estimates of board to council

(1) Every public and secondary school board, except a divisional board of education under Part VI of *The Secondary Schools and Boards of Education Act*, shall submit to the council of each municipality in which or part of which the board has jurisdiction, on or before the 1st day of March in each year, a copy of its estimates as determined under section 103.

R.S.O. 1960, c. 362

16. *The Schools Administration Act* is amended by adding thereto the following Part:

R.S.O. 1960, c. 361, amended

PART XII

SCHOOL BOARD ADVISORY COMMITTEES

Interpretation

110. In this Part,

(*a*) "board" means a board of education or a board to which any provision of Part III of *The Separate Schools Act* applies and includes the Metropolitan Separate School Board;

R.S.O. 1960 c. 368

(*b*)

(*b*) "committee" means a school board advisory committee formed under this Part.

Committee establishment

111. A board may establish a school board advisory committee.

Composition

112.—(1) The committee shall be composed of,

(*a*) three members of the board appointed by the board;

(*b*) the chief education officer of the board or his nominee;

(*c*) six teachers employed by the board, appointed by the teachers in the employ of the board;

(*d*) four persons appointed by the board who are are neither teachers nor members of a board, but who are resident within the jurisdiction of the board; and

(*e*) the persons appointed under subsections 2 and 3.

Separate school board

(2) In the case of a separate school board, where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations of Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee two persons selected by the Council or Councils.

Board of education

(3) In the case of a board of education,

(*a*) where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations of Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee one person selected by the Council or Councils;

(*b*) where the Home and School Council organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee one person selected by the Council; and

(*c*) where no recommendation and appointment is made under clause *a*, a recommendation and appointment of two persons may be made under clause *b* and, where no recommendation

and

and appointment is made under clause *b*, a recommendation and appointment of two persons may be made under clause *a*.

Notice of teacher appointees

(4) The teachers shall submit to the board, not later than the 31st day of January in each year, the names of the appointees under clause *c* of subsection 1.

Appointment and term of office

(5) Members of the committee shall be appointed on or before the 31st day of January in each year and shall hold office for one year.

Re-appointment

(6) Except for the chief education officer, a member of the committee shall not hold office for more than three years in succession.

Vacancies

(7) Every vacancy on a committee occasioned by the death or resignation of a member, or by any other cause, shall be filled by a person qualified under subsection 1 and appointed by the body or person that appointed the member whose office has become vacant, and every person so appointed shall hold office for the unexpired portion of the term of such member.

Application 1970

(8) For the year 1970, the dates referred to in this Part do not apply, but any person appointed to a committee after the 31st day of January in the year 1970 shall hold office until the 31st day of January, 1971.

First meeting

113.—(1) The chairman of the board shall call the first meeting of the committee not later than the 28th day of February in each year, and shall preside at such meeting until the chairman of the committee is elected.

Chairman

(2) The chairman of the committee shall be elected by the committee at its first meeting in each year.

Quorum

(3) Eight members of the committee constitute a quorum and a vote of the majority of the members present is necessary to bind the committee.

Sub-committees

(4) The committee may establish such sub-committees as it considers necessary.

Recording secretary

114.—(1) The board shall provide a recording secretary for the committee.

Budget

(2) The committee shall, as required by the board, submit to the board for approval a budget of its estimated expenditures for the calendar year.

Expenditures

(3) The board shall pay such expenditures of the committee as are approved by the board.

Powers of committee

115.—(1) The committee may make reports and recommendations to the board in respect of any educational matter pertaining to the schools under the jurisdiction of the board.

Limitation

(2) Notwithstanding subsection 1, the committee shall not concern itself with salaries of employees of the board or with matters pertaining to personnel problems and policies relating to personnel.

Consideration of reports

(3) The board shall consider any report or recommendation submitted to it by the committee and shall not refuse its approval without having given the committee, or its representatives, an opportunity to be heard by the board.

Assessment of concentrators and smelters in 1969 to be included for 1970 apportionment R.S.O. 1960, c. 362 1968-69, c. 6

17. Where, in a municipality or in territory without municipal organization that is deemed a district municipality under subsection 3 of section 81 of *The Secondary Schools and Boards of Education Act*, property referred to in section 87 of *The Assessment Act, 1968-69* is assessed in the year 1969 pursuant to such section 87, the amount for which it is so assessed, when adjusted by the application of the appropriate provincial equalization factor, shall be added to the assessment of the municipality or the district municipality made in the year 1968 as adjusted by the application of the appropriate provincial equalization factor, and the whole of such assessment as so adjusted shall be deemed to be the equalized assessment of such municipality or district municipality for the purposes of apportionment of the sum required for school purposes in the year 1970 in accordance with section 86 of *The Secondary Schools and Boards of Education Act*.

Commencement

18.—(1) This Act, except subsection 2 of section 1, subsections 1 and 6 of section 4, and sections 6, 7, 8, 10, 13 and 14, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 6 of section 4, sections 6, 8, 10, subsections 1 and 3 of section 13 and section 14 shall be deemed to have come into force on the 1st day of January, 1969.

Idem

(3) Subsection 2 of section 1 shall be deemed to have come into force on the 1st day of July, 1969.

(4) Section 7 shall be deemed to have come into force on the 1st day of September, 1969. Idem

(5) Subsection 1 of section 4 and subsection 2 of section 13 come into force on the 1st day of January, 1970. Idem

19. This Act may be cited as *The Schools Administration Amendment Act, 1968-69*. Short title

CHAPTER 115

An Act to amend The Secondary Schools and Boards of Education Act

Assented to, except subsections 2 and 3 of section 31, subsections 1, 2, 3, 4 and 6 of section 33, sections 36 and 37, subsection 2 of section 39 and sections 43 and 45, December 17th, 1969

Subsections 2 and 3 of section 31, subsections 1, 2, 3, 4 and 6 of section 33, sections 36 and 37, subsection 2 of section 39 and sections 43 and 45 assented to December 2nd, 1969

Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8, as amended by section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, sections 9 and 10 and section 11, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, of *The Secondary Schools and Boards of Education Act*, are repealed. R.S.O. 1960, c. 362, ss. 8-11, repealed

2.—(1) Subsection 1 of section 12 of *The Secondary Schools and Boards of Education Act*, as amended by subsection 1 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed. R.S.O. 1960, c. 362, s. 12, subs. 1, repealed

(2) Subsection 1*a* of the said section 12, as re-enacted by subsection 1 of section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed. R.S.O. 1960, c. 362, s. 12, subs. 1*a* (1965, c. 119, s. 2, subs. 1), repealed

(3) Subsection 2 of the said section 12 is repealed. R.S.O. 1960, c. 362, s. 12, subs. 2, repealed

(4) Subsection 3 of the said section 12, as re-enacted by subsection 2 of section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1965* and amended by subsection 2 of section 1 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed. R.S.O. 1960, c. 362, s. 12, subs. 3 (1965, c. 119, s. 2, subs. 2), repealed

(5)

R.S.O. 1960, c. 362, s. 12, subs. 4, amended

(5) Subsection 4 of the said section 12, as amended by subsection 3 of section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is further amended by striking out "territory without municipal organization, or any such area and a municipality or municipalities or any part or parts thereof" in the second, third and fourth lines and in the amendment of 1965 and inserting in lieu thereof "the territorial districts, that is not part of a school division", so that the subsection shall read as follows:

In unorganized territory

(4) The Lieutenant Governor in Council may establish any area in the territorial districts, that is not part of a school division, as a high school district, and may discontinue or decrease or increase the area of any such high school district, and if any such high school district is discontinued, or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board.

R.S.O. 1960, c. 362, s. 12, subs. 6, repealed

(6) Subsection 6 of the said section 12 is repealed.

R.S.O. 1960, c. 362, ss. 13, 14, repealed

3. Section 13, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, and section 14 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960, c. 362, s. 15, repealed

4. Section 15 of *The Secondary Schools and Boards of Education Act*, as amended by section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is repealed.

R.S.O. 1960, c. 362, s. 16, repealed

5. Section 16 of *The Secondary Schools and Boards of Education Act*, as amended by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, is repealed.

R.S.O. 1960, c. 362, ss. 17-19, repealed

6. Sections 17, 18 and 19 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960, c. 362, s. 20 (1967, c. 91, s. 2), repealed

7. Section 20 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

R.S.O. 1960, c. 362, s. 22, repealed

8. Section 22 of *The Secondary Schools and Boards of Education Act*, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1966* and section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

9. Sections 23, 24 and 25 of *The Secondary Schools and Boards of Education Act* are repealed. R.S.O. 1960, c. 362, ss. 23-25, repealed

10. Subsection 1 of section 26 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 26, subs. 1, re-enacted

(1) Where a high school district is established under subsection 4 of section 12, the Lieutenant Governor in Council may make regulations providing for, Board in territorial districts outside school divisions

(*a*) the formation of a board;

(*b*) the apportionment of costs within the high school district; and

(*c*) the issuing of debentures by the board for permanent improvements,

and the board is a corporation by the name designated by the Lieutenant Governor in Council.

11. Sections 27 and 28 and section 29, as amended by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1966* and section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, of *The Secondary Schools and Boards of Education Act*, are repealed. R.S.O. 1960, c. 362, ss. 27-29, repealed

12. Subsection 3 of section 30 of *The Secondary Schools and Boards of Education Act* is repealed. R.S.O. 1960, c. 362, s. 30, subs. 3, repealed

13. Section 31, as amended by section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, and section 32 of *The Secondary Schools and Boards of Education Act* are repealed. R.S.O. 1960, c. 362, ss. 31, 32, repealed

14.—(1) Subsection 1 of section 34 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 7 of *The Secondary Schools and Boards of Education Amendment Act, 1965* and amended by section 5 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is further amended by striking out "on or before such time as the council may prescribe" in the fourth and fifth lines, so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 362, s. 34 (1965, c. 119, s. 7), subs. 1, amended

(1) Every high school board in each year shall prepare and adopt and submit to the council of each municipality all or part of which is included in the high school district, estimates of all sums required during the year for the purposes of the board, and such estimates, Estimates

. . . . .

(2)

R.S.O. 1960, c. 362, s. 34, (1965, c. 119, s. 7), subs. 2, re-enacted

(2) Subsection 2 of the said section 34 is repealed and the following substituted therefor:

Rates for current purposes

(2) The council of each municipality, all or part of which is included in a high school district, shall levy and collect each year and pay to the high school board such sums as may be required by the board for high school purposes, in such instalments and at such times as are provided in section 88, which section applies *mutatis mutandis*.

R.S.O. 1960, c. 362, s. 34 (1968, c. 122, s. 2), subs. 3, amended

(3) Subsection 3 of the said section 34, as enacted by section 2 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by striking out "and the sum required by the board of the secondary school district for school purposes shall be paid over to the board not later than the 15th day of December" in the third, fourth, fifth and sixth lines, so that the subsection shall read as follows:

Municipality to account for moneys

(3) The council of each municipality shall annually account for all moneys collected for secondary school purposes and any sum collected in excess of the sum required by the board for school purposes shall be retained by the municipality and applied to reduce the sum that the municipality is required by such board to raise for school purposes in the following year.

R.S.O. 1960, c. 362, s. 35, repealed

15. Section 35 of *The Secondary Schools and Boards of Education Act*, as amended by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed.

R.S.O. 1960, c. 362, s. 36, repealed

16. Section 36 of *The Secondary Schools and Boards of Education Act*, as amended by section 9 of *The Secondary Schools and Boards of Education Amendment Act, 1965*, is repealed.

R.S.O. 1960, c. 362, s. 40, subs. 2, amended

17. Subsection 2 of section 40 of *The Secondary Schools and Boards of Education Act* is amended by striking out "Subject to the approval of the Minister" in the first line, so that the subsection, exclusive of the clauses, shall read as follows:

Courses of study

(2) A vocational school under this Part may provide,

. . . . .

R.S.O. 1960, c. 362, s. 47, subs. 1, amended

18. Subsection 1 of section 47 of *The Secondary Schools and Boards of Education Act* is amended by striking out "under its management and control" in the third and fourth lines, so that the subsection shall read as follows:

(1) Subject to the regulations, the estimates of the advisory vocational committee of the cost of establishing, equipping and maintaining the school or schools, when and so far as they have been approved by the board, shall be included in the estimates of the board submitted to the municipal council or councils for the year. Estimates

19. Section 49 of *The Secondary Schools and Boards of Education Act*, as amended by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 49, re-enacted

49. In this Part, "board of education" means a board of education other than a divisional board established under Part VI. Interpretation

20. Subsection 5 of section 50 of *The Secondary Schools and Boards of Education Act* is amended by striking out "county council or a" in the second line so that the subsection shall read as follows: R.S.O. 1960, c. 362, s. 50, subs. 5, amended

(5) A member of a board of education appointed by a separate school board is a trustee for secondary school purposes only and all other members of a board of education are trustees for public and secondary school purposes. Members to be trustees

21.—(1) Subsections 1, 2 and 3 of section 51 of *The Secondary Schools and Boards of Education Act*, as re-enacted by subsection 1 of section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, are repealed. R.S.O. 1960, c. 362, s. 51, subss. 1-3 (1967, c. 91, s. 8, subs. 1), repealed

(2) Subsection 5 of the said section 51, as amended by subsection 2 of section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed. R.S.O. 1960, c. 362, s. 51, subs. 5, repealed

(3) Subsection 6 of the said section 51, as enacted by subsection 3 of section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed. R.S.O. 1960, c. 362, s. 51, subs. 6 (1967, c. 91, s. 8, subs. 3), repealed

22. Subsection 2 of section 52 of *The Secondary Schools and Boards of Education Act* is repealed. R.S.O. 1960, c. 362, s. 52, subs. 2, repealed

23. Section 54 of *The Secondary Schools and Boards of Education Act*, as amended by section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 54, re-enacted

54. Where a board of education is established for one municipality that is not a school division or part of a Composition of boards of education

school

school division, the members of the board shall be elected as provided in section 91, which section applies *mutatis mutandis*, except that the number of members to be elected by the separate school supporters shall be,

(*a*) where the population of the municipality is 50,000 or more, not fewer than two; and

(*b*) where the population of the municipality is less than 50,000, not fewer than one.

R.S.O. 1960, c. 362, s. 55, repealed

24. Section 55 of *The Secondary Schools and Boards of Education Act*, as amended by section 12 of *The Secondary Schools and Boards of Education Amendment Act, 1964* and section 7 of *The Secondary Schools and Boards of Education Amendment Act, 1966*, is repealed.

R.S.O. 1960, c. 362, s. 55*a* (1967, c. 91, s. 10), repealed

25. Section 55*a* of *The Secondary Schools and Boards of Education Act*, as enacted by section 10 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

R.S.O. 1960, c. 362, s. 56, subss. 3-14, repealed

26. Subsections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of section 56 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960, c. 362, s. 57, repealed

27. Section 57 of *The Secondary Schools and Boards of Education Act*, as amended by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is repealed.

R.S.O. 1960, c. 362, s. 61 (1967, c. 91, s. 11), repealed

28. Section 61 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 11 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

R.S.O. 1960, c. 362, s. 74, subss. 1, 2, repealed

29. Subsections 1 and 2 of section 74 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960, c. 362, s. 80 (1967, c. 91, s. 16), repealed

30. Section 80 of *The Secondary Schools and Boards of Education Act*, as enacted by section 16 of *The Secondary Schools and Boards of Education Amendment Act, 1967*, is repealed.

R.S.O. 1960, c. 362, s. 81 (1968, c. 122, s. 8), subs. 1, cl. *c*, re-enacted

31.—(1) Clause *c* of subsection 1 of section 81 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

(*c*) "county municipality" means a municipality that forms part of a county for municipal purposes and includes a municipality, other than a city, that forms part of a regional municipality.

R.S.O. 1960, c. 362, s. 81 (1968, c. 122, s. 8), amended

(2) The said section 81 is amended by adding thereto the following subsection:

Application to schools on exempt land R.S.O. 1960, c. 330

(1*a*) This Part does not apply to a board, school section or high school district heretofore or hereafter established under section 12 of *The Public Schools Act* or under subsection 5 of section 12 or subsection 4*a* of section 51 of this Act.

R.S.O. 1960, c. 362, s. 81 (1968, c. 122, s. 8), subs. 3, amended

(3) Subsection 3 of the said section 81 is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause:

(*c*) any part of territory without municipal organization that is designated by the regulation made under subsection 2 of section 82 as part of a school division and on the 31st day of December, 1968, was not in a school section or in a high school district,

. . . . .

R.S.O. 1960, c. 362, s. 81 (1968, c. 122, s. 8), subs. 4, amended

(4) Subsection 4 of the said section 81 is amended by inserting after "to" in the ninth line "the preparation of a voters' list and" and by adding at the end thereof "and the expenses incurred by the board in connection therewith except the issuing of debentures shall be raised by a levy imposed by the divisional board on all the rateable property in the district municipality", so that the subsection shall read as follows:

Powers and duties of divisional board re territory without municipal organization

(4) The divisional board of a school division that includes territory without municipal organization that is deemed a district municipality shall exercise the powers and duties of a municipal council for such district municipality with respect to preparing estimates, assessing, court of revision, levying rates, collecting taxes and issuing debentures for the purposes of the divisional board and with respect to the preparation of a voters' list and the election of members of the divisional board and all the officers appointed by the divisional board have the same powers and duties as similar officers in an organized municipality and the provisions of subsections 6 to 11 of section 26 apply *mutatis mutandis*, and the

expenses

expenses incurred by the board in connection therewith except the issuing of debentures shall be raised by a levy imposed by the divisional board on all the rateable property in the district municipality.

R.S.O. 1960, c. 362, s. 81 (1968, c. 122, s. 8), amended

(5) The said section 81 is amended by adding thereto the following subsection:

Rates for public library in unorganized territory in school division

(4*a*) Where a public library has been established for a school section in territory without municipal organization that is deemed a district municipality within a school division under subsection 3, the divisional board of the school division shall be deemed to be a municipal council for such district municipality under section 23 of *The Public Libraries Act, 1966*, and the amount of the estimates of the board of the public library appropriated for such board by the divisional board of the school division shall be raised by a levy imposed by the divisional board on all the rateable property in the district municipality.

1966, c. 128

R.S.O. 1960, c. 362, s. 83 (1968, c. 122 s. 8), amended

32. Section 83 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by adding thereto the following subsection:

regional municipality

(4*a*) Except where expressly provided in any other Act, the name of a divisional board that has jurisdiction in all or part of a regional municipality is the "..... .....Board of Education" (*inserting a name selected by the board and approved by the Minister*).

R.S.O. 1960, c. 362, s. 84 (1968, c. 122, s. 8), subs. 2, cl. *b*, amended

33.—(1) Clause *b* of subsection 2 of section 84 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by striking out "3" in the first line and inserting in lieu thereof "4", so that the clause shall read as follows:

(*b*) subject to subsection 4, all real and personal property vested in such boards and situate in the school division becomes vested in the divisional board.

R.S.O. 1960, c. 362, s. 84 (1968, c. 122, s. 8), subs. 2, cl. *d*, amended

(2) Clause *d* of subsection 2 of the said section 84 is amended by adding at the commencement thereof "the reserve for working funds, the balance in a reserve or a reserve fund accumulated from transfers from revenue funds and", so that the clause shall read as follows:

(*d*) the reserve for working funds, the balance in a reserve or a reserve fund accumulated from transfers from revenue funds and the audited surplus or deficit as at the 31st day of December, 1968, of each such board shall accrue to the credit of, or become the responsibility of, the assessment supporting such board on the 31st day of December, 1968, and shall be apportioned by the arbitrators under this section among the municipalities or parts thereof comprising the area of jurisdiction of such board in the same proportion as the requisition for the year 1968 was apportioned among such municipalities or parts.

R.S.O. 1960, c. 362, s. 84 (1968, c. 122, s. 8), subs. 3, amended

(3) Subsection 3 of the said section 84 is amended by inserting after "1968" in the seventh line "except lands and premises used as schools on such 31st day of December", so that the subsection shall read as follows:

Arbitration

(3) Each divisional board shall, on or before the 15th day of March, 1969, appoint three or five arbitrators, who are not members of the divisional board or of a municipal council that has jurisdiction in the school division, who shall value and adjust in an equitable manner the assets and liabilities, as of the 31st day of December, 1968, except lands and premises used as schools on such 31st day of December, of the boards that, before they were dissolved under subsection 2, had jurisdiction wholly in the school division in which the divisional board has jurisdiction.

R.S.O. 1960, c. 362, s. 84 (1968, c. 122, s. 8), subs. 4, amended

(4) Subsection 4 of the said section 84 is amended by inserting after "1968" in the ninth line "except lands and premises used as schools on such 31st day of December", so that the subsection shall read as follows:

Idem

(4) Where a board that is dissolved under subsection 2 had jurisdiction in an area that after the 1st day of January, 1969, forms part of two or more school divisions, each divisional board shall, on or before the 15th day of March, 1969, designate two of the arbitrators appointed by it under subsection 3 who shall collectively value and adjust in an equitable manner the assets and liabilities of such board as of the 31st day of December, 1968, except lands and premises used as schools on such 31st day of December, and shall apportion in an equitable manner the obligations under clauses *c* and *f* of subsection 2.

R.S.O. 1960, c. 362, s. 84 (1968, c. 122, s. 8), subs. 9, repealed

(5) Subsection 9 of the said section 84 is repealed.

R.S.O. 1960, c. 362, s. 84 (1968, c. 122 s. 8), amended

(6) The said section 84 is amended by adding thereto the following subsection:

Fees for arbitrators R.S.O. 1960, c. 361

(10) Notwithstanding subsection 3 of section 99 of *The Schools Administration Act*, each arbitrator appointed under this section shall be paid such fee for his services as is determined by the divisional board that appointed him.

R.S.O. 1960, c. 362, s. 85 1968, c. 122, s. 8), subs. 1, cl. *d*, re-enacted

34.—(1) Clause *d* of subsection 1 of section 85 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

(*d*) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 25 of subsection 2 of section 1 of *The Schools Administration Act*, R.S.O. 1960, c. 361

(i) for secondary school purposes shall not exceed a sum calculated at one mill in the dollar upon the total assessment of the school division upon which taxes were levied in the preceding year as equalized by the application of the equalization factor provided by the Department of Municipal Affairs, and

(ii) for public school purposes shall not exceed a sum calculated at one mill in the dollar upon the total assessment of the taxable property of public school supporters in the school division upon which taxes were levied in the preceding year as equalized by the application of the equalization factor provided by the Department of Municipal Affairs,

and such assessment shall be that on which taxes were levied in the year preceding the year for which the estimates are adopted.

R.S.O. 1960, c. 362, s. 85 (1968, c. 122, s. 8), amended

(2) The said section 85 is amended by adding thereto the following subsections:

Where estimates submitted after Mar. 1, 1969

(1*a*) Where in the year 1969, a divisional board does not submit the statement and the requisition required under subsection 1 to the council of each municipality in the school division on or before the 1st day of March, the later submission thereof does not

relieve

relieve the council of its duty under subsection 1 of section 88 to levy and collect the amount required by the divisional board.

. . . . .

(3) Subsection 5 of section 297 of *The Municipal Act* does not apply to divisional boards. Application of R.S.O. 1960, c. 249, s. 297, subs. 5

35. Section 86 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), amended

(1*a*) Where in any year territory without municipal organization is included in a school division and property therein is assessed for the first time for the purpose of levying rates and collecting taxes for school purposes, such assessment shall, for the purposes of apportionment of costs for that year under this section, be the assessment on which taxes are levied in that year and a request for arbitration under subsection 10 may be made on or before the 1st day of March in that year. Apportionment where unorganized territory becomes part of school division

36. Part VI of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by adding thereto the following section: R.S.O. 1960, c. 362, Pt. VI (1968, c. 122, s. 8), amended

86*a*.—(1) Where any part of territory without municipal organization that in the year 1968 is not in a school section or a high school district is included in a school division and deemed a district municipality, for the purposes of apportionment for the year 1969 under section 86, the equalized assessment of the property rateable, Equalized assessment in 1968 in territory not in school section or high school district

(*a*) for public school purposes in the district municipality shall be the assessment upon which rates are levied in the year 1968 under *The Provincial Land Tax Act, 1961-62* on all property rateable for public school purposes in the district municipality; and 1961-62, c. 111

(*b*) for secondary school purposes in the district municipality shall be the assessment upon which rates are levied in the year 1968 under *The Provincial Land Tax Act, 1961-62* on all rateable property in the district municipality.

(2)

in school section

(2) Where any part of territory without municipal organization that in the year 1968 is in a school section is included in a school division and deemed a district municipality, for the purposes of apportionment for the year 1969 under section 86, the equalized assessment of the property rateable,

(*a*) for public school purposes in the district municipality shall be the assessment upon which rates are levied in the year 1968 by the board of the school section, as adjusted by the application of the equalization factor based on such assessment and provided by the Department of Municipal Affairs; and

(*b*) for secondary school purposes in the district municipality shall be the sum of the equalized assessment under clause *a* and the assessment of the property in the district municipality upon which rates are levied in the year 1968 by the separate school board of a separate school zone all or part of which is within the district municipality, as adjusted by the application of the equalization factor based on such assessment and provided by the Department of Municipal Affairs.

in high school district but not in school section

(3) Where any part of territory without municipal organization that in the year 1968 is in a high school district but not in a school section is included in a school division and deemed a district municipality, for the purposes of apportionment for the year 1969 under section 86, the equalized assessment of the property rateable,

(*a*) for public school purposes in the district municipality shall be the assessment upon which rates are levied in the year 1968 by the board of the high school district on property rateable for public school purposes in the district municipality, as adjusted by the application of the equalization factor based on such assessment and provided by the Department of Municipal Affairs; and

(*b*) for secondary school purposes in the district municipality shall be the assessment upon which rates are levied in the year 1968 by the board of the high school district on all the rateable property in the district municipality,

as adjusted by the application of the equalization factor based on such assessment and provided by the Department of Municipal Affairs.

37. Section 87 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by adding thereto the following subsections: R.S.O. 1960, c. 362, s. 87 (1968, c. 122, s. 8), amended

(1*a*) Where in a municipality the basis upon which the values of lands were ascertained in taking the assessment upon which taxes are levied in the year 1969 was different from that used in taking the assessment upon which taxes were levied in the year 1968, the adjusted rate, for the purpose of subsection 2 in such municipality, shall be adjusted by multiplying it by the ratio of the equalization factor provided by the Department of Municipal Affairs, based on the assessment on which taxes were levied in the year 1968, to the equalization factor provided by the Department of Municipal Affairs, based on the assessment on which taxes are levied in the year 1969. Where reassessment in 1968

. . . . .

(6) Subsections 1, 2 and 3 do not apply to a part of territory without municipal organization that is deemed to be a district municipality under clause *b* or *c* of subsection 3 of section 81. Application to territory without municipal organization

38. Part VI of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by adding thereto the following section: R.S.O. 1960, c. 362, Pt. VI (1968, c. 122, s. 8), amended

87*a*.—(1) In any regulation made under this section, except where otherwise provided in the regulation, assessment, equalization factor and equalized assessment have the same meaning as in section 86. Interpretation

(2) The Lieutenant Governor in Council may make regulations providing for the apportionment of the sums required by a divisional board for secondary school purposes and for public school purposes for the year 1970 and any subsequent year among the municipalities or parts thereof in the school division. Regulations for apportionment in year 1970 and any subsequent year

(3) Notwithstanding subsections 2 and 3 of section 86, the sums required by a divisional board for secondary school purposes and for public school purposes Apportionment

for

for any year to which a regulation passed under this section is applicable shall be apportioned among the municipalities or parts thereof in the school division in accordance with such regulation.

Where estimated data used

(4) Where, in making the apportionment in accordance with the regulations, estimated data are used, an overpayment or an underpayment by a municipality or part, determined on the basis of actual data, shall be adjusted in the levy for the following year.

Application of grants R.S.O. 1960, c. 94

(5) Where the regulations made under *The Department of Education Act* provide for a grant to a divisional board on behalf of a part of a territorial district that in the year 1968 was not included in a secondary school district, such grant shall be applied to reduce the sum required to be raised under this section in such part of the territorial district.

Request for arbitration

(6) Where the council of a municipality is of the opinion that the apportionment of the sum required in accordance with this section imposes an undue burden on the ratepayers,

(*a*) for the year 1970, the council may apply to the divisional board before the 1st day of March, 1970, for an arbitration to determine the proportion of the amount that each municipality or part thereof shall bear and the provisions of subsections 5, 6, 7, 8, 9 and 10 of section 86 apply *mutatis mutandis*; or

(*b*) for any subsequent year, the provisions of subsection 4 of section 86 apply *mutatis mutandis*.

R.S.O. 1960, c. 362, s. 88 (1968, c. 122, s. 8), subs. 1, re-enacted

39.—(1) Subsection 1 of section 88 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

Rates

(1) The council of each municipality in a school division in each year shall levy and collect,

(*a*) upon all the property rateable for public school purposes in the municipality the amount that it is required by the divisional board to raise for public school purposes; and

(*b*) upon all the property rateable for secondary school purposes in the municipality the amount that it is required by the divisional board to raise for secondary school purposes.

(2)

(2) The said section 88 is amended by adding thereto the following subsections: R.S.O. 1960, c. 362, s. 88 (1968, c. 122, s. 8), amended

(1*a*) The assessment of all property rateable for public school purposes in territory without municipal organization that is deemed a district municipality upon which rates shall be levied in the year 1969 to raise the sum determined under section 86 for public school purposes shall be, Assessments upon which rates to be levied in 1969 in territory; for public school purposes

(*a*) where the property in the year 1968 is not situate in a school section or a high school district, the assessment upon which rates are levied in the year 1969 under *The Provincial Land Tax Act, 1961-62*; or 1961-62, c. 111

(*b*) where the property in the year 1968 is situate in a school section, the assessment on which taxes for public school purposes in the year 1969 would have been levied by the board of such school section if such board had not been dissolved on the 1st day of January, 1969; or

(*c*) where the property in the year 1968 is situate in a high school district but not in a school section, the assessment on which taxes for secondary school purposes in the year 1969 would have been levied by the board of such high school district if such board had not been dissolved on the 1st day of January, 1969.

(1*b*) The assessment of property rateable for secondary school purposes in territory without municipal organization that is deemed a district municipality upon which rates shall be levied in the year 1969 to raise the sum determined under section 86 for secondary school purposes, for secondary school purposes

(*a*) in respect of property rateable for public school purposes under subsection 1*a*, shall be the assessments determined under subsection 1*a*; and

(*b*) in respect of property rateable for separate school purposes shall be,

(i) where the property in the year 1968 is not situate in a school section or a high school district, the assessment upon which rates are levied in the year 1969 under *The Provincial Land Tax Act, 1961-62*, or 1961-62, c. 111

(ii) where the property in the year 1968 is situate in a school section, the assessment on which the taxes for separate school purposes in the year 1969 are levied by the board of the separate school zone or would have been levied by such board if the board had not been dissolved on the 1st day of January, 1969, or

(iii) where the property in the year 1968 is situate in a high school district but not in a school section, the assessment on which taxes for secondary school purposes in the year 1969 would have been levied by the board of the high school district if such board had not been dissolved on the 1st day of January, 1969.

R.S.O. 1960, c. 362, s. 88 (1968, c. 122, s. 8), amended

(3) The said section 88 is further amended by adding thereto the following subsections:

Payment to boards

(1*c*) Subject to subsection 1*d*, the council of each municipality in a school division in each year shall pay to the divisional board the amounts required to be raised by the municipality for public school purposes and for secondary school purposes, in the following instalments:

1. 25 per cent of such amounts on the 31st day of March;

2. 25 per cent of such amounts on the 30th day of June;

3. 25 per cent of such amounts on the 30th day of September; and

4. 25 per cent of such amounts on the 15th day of December,

and in case of non-payment of such instalments or any portion thereof on such dates, the municipality so in default shall pay to the board interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default and where, with the consent of the board, such instalments or any portion thereof are paid in advance of such dates the board shall allow to the municipality a discount

thereon from the date of payment to the date upon which the payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

(1*d*) A divisional board may, by agreement with a majority of the municipalities in the school division where such municipalities represent at least two-thirds of the equalized assessment in the school division, provide for any number of instalments and the amounts and due dates thereof other than those provided in subsection 1*c*, which shall be applicable to all municipalities in the school division and otherwise subsection 1*c* applies *mutatis mutandis*. Agreement

40.—(1) Subsection 2 of section 92 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by striking out "and 5" in the first line and inserting in lieu thereof "5 and 6". R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 2, amended

(2) Clause *b* of subsection 6 of the said section 92 is amended by adding at the end thereof "but in no case shall the number of members to be elected under this clause be fewer than one", so that the clause shall read as follows: R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 6, cl. *b*, amended

(*b*) of the county or district municipalities shall be the number of members determined under subsection 4 less the total number of members determined under clause *a* for the city or cities, but in no case shall the number of members to be elected under this clause be fewer than one.

(3) Subsections 26, 27 and 29 of the said section 92 are repealed. R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subss. 26, 27, 29, repealed

41.—(1) Subclause i of clause *d* of subsection 1 of section 93 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by striking out "ratepayer of a municipality within the school division" in the third and fourth lines, and inserting in lieu thereof "elector", so that the subclause shall read as follows: R.S.O. 1960, c. 362, s. 93 (1968, c. 122, s. 8), subs. 1, cl. *d*, subcl. i, amended

(i) in the case of the election of members by public school electors, is a public school elector, and

. . . . .

(2) The said section 93 is amended by adding thereto the following subsections: R.S.O. 1960, c. 362, s. 93 (1968, c. 122, s. 8), amended

Disqualifications

(3) A person is not qualified to be elected or to act as a member of a divisional board,

(*a*) who is,

(i) a member of any other board, or

(ii) a member of the council of a municipality, including a regional municipality, all or part of which is included in the area of jurisdiction of the board, or

(iii) an elected member of a local board of a municipality all or part of which is included in the area of jurisdiction of the board,

and whose term of office has at least two months to run after the day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality, as the case may be;

(*b*) who is the clerk or treasurer of a county or municipality, including a regional municipality, all or part of which is included in the area of jurisdiction of the board;

(*c*) who is otherwise disqualified under this or any other Act; or

(*d*) if any portion of the taxes levied for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of the opening of the nomination meeting, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental thereof is not overdue and unpaid at the time of the opening of the nomination meeting.

Qualification to act as member

(4) A person is qualified to act as a member of a divisional board during the term for which he was elected so long as he continues to have the qualifications mentioned in subsection 1 and does not become disqualified under clause *a*, *b* or *c* of subsection 3.

(5)

(5) No person shall qualify himself as a candidate for more than one seat on a divisional board, and any person who so qualifies himself and is elected to hold one or more seats on the divisional board is not entitled to sit as a member of the board by reason of the election, and his seat or seats are thereby vacated. Person not to be candidate for more than one seat

42. Subsection 2 of section 96 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 96 (1968, c. 122, s. 8), subs. 2, re-enacted

(2) Where the office of a member of a divisional board elected by separate school supporters becomes vacant from any cause before the expiration of the term for which he was elected, except where the vacancy occurs within one month before the next ensuing election, in which case the office shall remain vacant until the election, and where, Vacancy in office of member elected by separate school supporters

(*a*) the remaining members elected by separate school supporters constitute a majority of the members of the divisional board elected by separate school supporters, a majority of such remaining members shall, at the first regular meeting after the vacancy occurs, elect some qualified person to fill the vacancy; or

(*b*) there are no remaining members who were elected by separate school supporters or the remaining members elected by separate school supporters are not a majority of the members elected by separate school supporters, the vacancy shall be filled by appointment by the board of the separate school zone that had the highest average daily enrolment for the preceding year of pupils below Grade 9 who resided in the school division, as certified by the appropriate supervisory officer,

and the person so elected or appointed shall hold office for the remainder of the term of his predecessor.

(3) Notwithstanding subsection 2, where the offices of all members of a divisional board become vacant from any cause, a new election shall be held to fill all such vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected. All offices vacant

(4)

Election to fill vacancy

(4) Where an election is required to fill a vacancy on a divisional board of education, the nomination shall be held on the third Monday following the day on which the office becomes vacant and the polling shall be held on the second Monday following the day of nomination, and the nomination and polling shall be held in the same manner and at the same times as for the office that became vacant.

R.S.O. 1960, c. 362, s. 97 (1968, c. 122, s. 8), amended

43. Section 97 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by adding thereto the following subsection:

Application of subss. 1, 2

(3) Subsections 1 and 2 do not extend the right acquired by a pupil to attend a school under an order of the Ontario Municipal Board or under an agreement between two or more boards or between a board and the Crown in right of Canada.

R.S.O. 1960, c. 362, s. 99 (1968, c. 122, s. 8), subs. 3, cl. *c*, repealed

44. Clause *c* of subsection 3 of section 99 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed.

R.S.O. 1960, c. 362, s. 110 (1968, c. 122, s. 9), subs. 1, amended

45.—(1) Subsection 1 of section 110 of *The Secondary Schools and Boards of Education Act*, as enacted by section 9 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by striking out "subsection 2 of" in the eighth and ninth lines.

R.S.O. 1960, c. 362, s. 110 (1968, c. 122, s. 9), subs. 2, amended

(2) Subsection 2 of the said section 110 is amended by striking out "subsection 2 of" in the ninth line.

R.S.O. 1960, c. 362, s. 110 (1968, c. 122, s. 9), subs. 3, amended

(3) Subsection 3 of the said section 110 is amended by inserting after "but" in the second line "his parent or guardian" and by striking out "subsection 2 of" in the eleventh line, so that the subsection shall read as follows:

Admission of child resident on tax-exempt lands

(3) Where a child is admitted to a school for trainable retarded children but his parent or guardian is resident on lands that are exempt from taxation for school purposes and that have been designated by the Minister as a rural school section for which a board has been appointed under subsection 1 of section 12 of *The Public Schools Act* or that have been designated a high school district for which a board has been appointed under subsection 5 of section 12, the board shall pay to the divisional board a tuition fee in accordance with section 100*a* of *The Schools Administration Act*.

R.S.O. 1960, cc. 330, 361

46.—(1) This Act, except sections 11 and 23, subsections 2, 3 and 5 of section 31, subsections 1, 2, 3, 4 and 6 of section 33, sections 34, 35, 36, 37, 39, 40, 42, 43 and 45, comes into force on the day it receives Royal Assent. Commencement

(2) Subsection 3 of section 31, subsections 1, 2, 3, 4 and 6 of section 33, sections 36 and 37, subsection 2 of section 39 and sections 40 and 43 shall be deemed to have come into force on the 23rd day of July, 1968. Idem

(3) Subsections 2 and 5 of section 31 and sections 34 and 45 shall be deemed to have come into force on the 1st day of January, 1969. Idem

(4) Sections 11, 23, 35, subsections 1 and 3 of section 39 and section 42 come into force on the 1st day of January, 1970. Idem

47. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1968-69*. Short title

CHAPTER

CHAPTER 116

An Act to amend The Securities Act, 1966

Assented to June 18th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Securities Act, 1966*, as amended by section 1 of *The Securities Amendment Act, 1968*, is further amended by renumbering paragraph 1 as paragraph 1*a* and by adding thereto the following paragraph: 1966, c. 142, s. 1, subs. 1, amended

1. "adviser" means a person or company engaging in or holding itself out as engaging in the business of advising others as to the advisability of investing in or buying or selling securities.

(2) Paragraphs 2 and 3 of subsection 1 of the said section 1 are repealed. 1966, c. 142, s. 1, pars. 2, 3, repealed

(3) Subsection 1 of the said section 1 is amended by adding thereto the following paragraph: 1966, c. 142, s. 1, subs. 1, amended

5*a*. "dealer" means a person or company who trades in securities in the capacity of principal or agent.

(4) Paragraphs 10, 11 and 14 of subsection 1 of the said section 1 are repealed. 1966, c. 142, s. 1, subs. 1, pars. 10, 11, 14, repealed

(5) Paragraphs 25 and 26 of subsection 1 of the said section 1 are repealed and the following substituted therefor: 1966, c. 142, s. 1, subs. 1, par. 25, re-enacted; par. 26, repealed

25. "salesman" means an individual who is employed by a dealer for the purpose of making trades in securities on behalf of such dealer.

(6) Paragraphs 28 and 30 of subsection 1 of the said section 1 are repealed. 1966, c. 142, s. 1, subs. 1, pars. 28, 30, repealed

2. Subsection 1, as amended by subsection 1 of section 5 of *The Securities Amendment Act, 1968*, and subsection 2 of section 6 of *The Securities Act, 1966* are repealed and the following substituted therefor: 1966, c. 142, s. 6, subss. 1, 2, re-enacted

Persons and companies required to register for trading in securities

(1) No person or company shall,

(*a*) trade in a security unless such person or company is registered as a dealer, or as a salesman of a registered dealer;

(*b*) act as a partner or officer of or on behalf of a person or company in connection with a trade in a security by such person or company unless such person or company is registered for trading in securities;

(*c*) act as a salesman of or on behalf of a person or company in connection with a trade in a security by such person or company unless he is registered as a salesman of such person or company and such person or company is registered as a dealer;

(*d*) act as an underwriter unless such person or company is registered as an underwriter, or is a bank to which the *Bank Act* (Canada) applies; or

1966-67, c. 87 (Can.)

(*e*) act as an adviser unless such person or company is registered as an adviser,

and such registration has been made in accordance with this Act and the regulations and such person or company has received written notice of such registration from the Director and, where such registration is subject to terms and conditions, the person or company complies with such terms and conditions.

Persons who may act as registrant

(2) No person shall act as a dealer, adviser or underwriter for or on behalf of a person or company that is registered as a dealer, adviser or underwriter except such partners or officers thereof as are designated by the Director.

1966, c. 142, s. 14, subs. 1, amended

3.—(1) Subsection 1 of section 14 of *The Securities Act, 1966* is amended by striking out "broker, investment dealer, underwriter, broker-dealer, sub-broker-dealer, security issuer, investment counsel, securities adviser" in the sixth, seventh and eighth lines and inserting in lieu thereof "dealer, adviser, underwriter".

1966, c. 142, s. 14, subs. 2, amended

(2) Subsection 2 of the said section 14 is amended by striking out "broker, investment dealer, underwriter, broker-dealer, sub-broker-dealer, security issuer, investment counsel,

securities adviser" in the seventh, eighth and ninth lines and inserting in lieu thereof "dealer, adviser, underwriter".

4.—(1) Subsection 1 of section 15 of *The Securities Act, 1966*, as amended by subsection 1 of section 7 of *The Securities Amendment Act, 1968*, is further amended by striking out "broker, investment dealer and broker-dealer" in the first and second lines and inserting in lieu thereof "dealer", so that the subsection, exclusive of the clauses, shall read as follows: 1966, c. 142, s. 15, subs. 1, amended

(1) Every registered dealer shall, within five days of the event, notify the Director in writing of, Where Director to be notified

. . . . .

(2) Subsection 2 of the said section 15, as amended by subsections 2 and 3 of section 7 of *The Securities Amendment Act, 1968*, is repealed. 1966, c. 142, s. 15, subs. 2, repealed

(3) Subsection 3 of the said section 15, as amended by subsection 4 of section 7 of *The Securities Amendment Act, 1968*, is further amended by striking out "investment counsel, securities adviser" in the first line and inserting in lieu thereof "adviser", so that the subsection, exclusive of the clauses, shall read as follows: 1966, c. 142, s. 15, subs. 3, amended

(3) Every registered adviser and underwriter shall, within five days of the event, notify the Director in writing of, Idem

. . . . .

(4) Subsection 5 of the said section 15, as amended by subsection 6 of section 7 of *The Securities Amendment Act, 1968*, is repealed. 1966, c. 142, s. 15, subs. 5, repealed

5.—(1) Section 18 of *The Securities Act, 1966* is amended by striking out "investment counsel or securities adviser" in the first and second lines and inserting in lieu thereof "adviser", so that the subsection, exclusive of the clauses, shall read as follows: 1966, c. 142, s. 18, amended

18. Registration as an adviser is not required to be obtained by, Exemptions from registration as adviser:

. . . . .

(2) Clause *d* of the said section 18 is amended by striking out "investment counsel or securities adviser" in the fifth and sixth lines and inserting in lieu thereof "adviser", so that the clause shall read as follows: 1966, c. 142, s. 18, cl. *d*, amended

certain publishers

(*d*) a publisher of any *bona fide* newspaper, news magazine or business or financial publication of general and regular paid circulation distributed only to subscribers thereto for value or to purchasers thereof, who gives advice as an adviser only through such publication and has no interest either directly or indirectly in any of the securities upon which the advice is given and receives no commission or other consideration for giving the advice and who gives the advice as solely incidental to the conduct of his business as a publisher; or

. . . . .

1966, c. 142, s. 43, subs. 1, amended

6. Subsection 1 of section 43 of *The Securities Act, 1966* is amended by adding at the commencement thereof "Subject to the regulations made under clause *aa* of section 144", so that the subsection, exclusive of the paragraphs, shall read as follows:

Financial statements

(1) Subject to the regulations made under clause *aa* of section 144, a prospectus shall contain the following financial statements:

. . . . .

1966, c. 142, s. 71, amended

7. Section 71 of *The Securities Act, 1966* is amended by striking out "investment counsel and securities adviser" in the first and second lines and inserting in lieu thereof "adviser", so that the section, exclusive of the clauses, shall read as follows:

Disclosure of financial interest by adviser

71. Every registered adviser shall cause to be printed in a conspicuous position on every circular, pamphlet, advertisement, letter, telegram and other publication issued, published or sent by him, in type not less legible than that used in the body of the circular, pamphlet, advertisement, letter or other publication, a full and complete statement of any financial or other interest that he may have either directly or indirectly in any securities referred to therein or in the sale or purchase thereof, including,

. . . . .

1966, c. 142, s. 137, subs. 2, amended

8.—(1) Subsection 2 of section 137 of *The Securities Act, 1966* is amended by inserting after "proceedings" in the first line "in a court", so that the subsection shall read as follows:

(2) No proceedings in a court under this Act shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commission. Time limitation

(2) The said section 137 is amended by adding thereto the following subsection: 1966, c. 142, s. 137, amended

(3) No proceedings, other than in a court, under this Act shall be commenced more than two years after the facts upon which the proceedings are based first came to the knowledge of the Commission. Idem

9. Section 139 of *The Securities Act, 1966* is amended by adding thereto the following subsection: 1966, c. 142, s. 139, amended

(3) Any person or company who feels aggrieved by any direction, order or decision made under any by-law, rule or regulation of a stock exchange in Ontario may apply to the Commission for a hearing and review thereof and section 28 applies to the hearing and review in the same manner as to the hearing and review of a direction, decision, order or ruling of the Director. Review of decisions of stock exchange

10.—(1) Section 144 of *The Securities Act, 1966*, as amended by section 3 of *The Securities Amendment Act, 1967*, is further amended by adding thereto the following clauses: 1966, c. 142, s. 144, amended

(*aa*) prescribing the content of the financial statement to be contained with the prospectuses of mining exploration companies or any category thereof in lieu of the financial statement required by section 43 or exempting any category from the application of section 43;

. . . . .

(*ba*) classifying registrants into categories and prescribing the terms and conditions of registration of registrants in each category but no registrant shall be included in a category designated as,

(i) investment dealer, unless he is a member of the Ontario District of the Investment Dealers' Association of Canada,

(ii) broker, unless he is a member of a stock exchange in Ontario recognized by the Commission,

(iii) broker-dealer, unless he is a member of the Broker Dealers' Association of Ontario;

. . . . . .

(*da*) regulating the trading of securities other than on a stock exchange recognized by the Commission.

1966, c. 142, s. 144, cl. *f*, amended

(2) Clause *f* of the said section 144 is amended by striking out "investment counsel or securities adviser" in the third and fourth lines and inserting in lieu thereof "adviser", so that the clause shall read as follows:

(*f*) designating any person or company or any class of persons or companies that shall not be required to obtain registration as adviser.

Commencement

11.—(1) This Act, except sections 1, 2, 3, 4, 5, 6 and 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2, 3, 4, 5, 6 and 7 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

12. This Act may be cited as *The Securities Amendment Act, 1968-69*.

CHAPTER 117

An Act to amend The Separate Schools Act

Assented to December 17th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of subsection 1 of section 45 of *The Separate Schools Act*, as amended by section 3 of *The Separate Schools Amendment Act, 1968*, is further amended by striking out "February" in the third line and inserting in lieu thereof "March", so that the clause shall read as follows: R.S.O. 1960, c. 368, s. 45, subs. 1, cl. *f*, amended

(*f*) where the board does not appoint a collector, to apply to the municipal council, on or before the 1st day of March in each year, for the levying and collection of all sums for the support of their schools, and for any other school purposes authorized by this Act to be collected from the supporters of the separate schools under the control of the board, laying before the council an estimate of such sums. collection of rates

2. Section 59*a* of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1960-61*, is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 59*a* (1960-61, c. 94, s. 6), re-enacted

59*a*. Where some of the supporters of a separate school reside in a municipality or in territory without municipal organization and in a high school district and other supporters of the separate school reside in another municipality or in territory without municipal organization and not in a high school district, and the separate school board, Levy for costs for transportation and board and lodging of high school pupils not resident in high school district

(*a*) provides daily transportation; or

(*b*) reimburses the parents or guardians for the cost of board, lodging, and transportation once a week under subsection 6 of section 37 of *The Schools Administration Act*, R.S.O. 1960, c. 361

for

for secondary school pupils whose parents or guardians are separate school supporters who do not reside in the high school district, such separate school board may levy the cost of such transportation or reimbursement for the preceding year, less the legislative grants paid thereon, on the supporters who do not reside in the high school district.

R.S.O. 1960, c. 368, s. 74 (1968, c. 125, s. 6), subs. 3, amended

3.—(1) Subsection 3 of section 74 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by inserting after "Part" in the fourth line "and any part of territory without municipal organization that is part of a combined separate school zone whose centres are in an area designated by the regulations made under this Part", so that the subsection shall read as follows:

Territory without municipal organization in zones deemed district municipalities

(3) For the purposes of this Part, every separate school zone that comprises only territory without municipal organization and whose centre is in an area designated by the regulations made under this Part and any part of territory without municipal organization that is part of a combined separate school zone whose centres are in an area designated by the regulations made under this Part shall be deemed to be a district municipality.

R.S.O. 1960, c. 368, s. 74 (1968, c. 125, s. 6), amended

(2) The said section 74 is amended by adding thereto the following subsection:

Application of ss. 81-83 to Windsor

(4*a*) Sections 81, 82 and 83 apply *mutatis mutandis* to the City of Windsor and The Board of Trustees of the Roman Catholic Separate Schools for the City of Windsor.

R.S.O. 1960, c. 368, s. 75 (1968, c. 125, s. 6), subs. 2, cl *c*, repealed

4. Clause *c* of subsection 2 of section 75 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is repealed.

R.S.O. 1960, c. 368, s. 76 (1968, c. 125, s. 6), subs. 4, amended

5.—(1) Subsection 4 of section 76 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by striking out "1" in the fourth line and inserting in lieu thereof "3".

R.S.O. 1960, c. 368, s. 76 (1968, c. 125, s. 6), subs. 7, re-enacted

(2) Subsection 7 of the said section 76 is repealed and the following substituted therefor:

Application of Part

(7) Except where inconsistent with this section, the other provisions of this Part in respect of county combined separate school boards apply *mutatis mutandis* to the board established under subsection

2, except that the references to the years 1968, 1969 and 1970, wherever they occur, shall be deemed to refer to the years 1969, 1970 and 1971 respectively.

6. Section 79 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 368, s. 79 (1968, c. 125, s. 6), amended

(4) Notwithstanding subsections 2 and 3 and except as provided in sections 76 and 77, a combined separate school board that has jurisdiction in all or part of a regional municipality is a corporation by the name of "The ..... Roman Catholic Separate School Board" (*inserting a name selected by the board and approved by the Minister*). Name of board in regional municipality

7.—(1) Clause *b* of subsection 1 of section 80 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by striking out "2" in the first line and inserting in lieu thereof "3", so that the clause shall read as follows: R.S.O. 1960, c. 368, s. 80 (1968, c. 125, s. 6), subs. 1, cl. *b*, amended

(*b*) subject to subsection 3, all property vested in such boards and situate in the county or district combined separate school zone becomes vested in the county or district combined separate school board.

(2) Clause *d* of subsection 1 of the said section 80 is amended by adding at the commencement thereof "the reserve for working funds, the balance in a reserve or a reserve fund accumulated from transfers from revenue funds and", so that the clause shall read as follows: R.S.O. 1960, c. 368, s. 80 (1968, c. 125, s. 6), subs. 1, cl. *d*, amended

(*d*) the reserve for working funds, the balance in a reserve or a reserve fund accumulated from transfers from revenue funds and the audited surplus or deficit as at the 31st day of December, 1968, of each such board shall accrue to the credit of, or become the responsibility of, the assessment supporting such board on the 31st day of December, 1968, and shall be apportioned by the arbitrators under this section among the municipalities or parts thereof comprising the area of jurisdiction of such board in the same proportion as the requisition for the year 1968 was apportioned among such municipalities or parts.

(3) Subsection 2 of the said section 80 is amended by inserting after "1968" in the eighth line "except lands and premises used as schools on such 31st day of December", so that the subsection shall read as follows: R.S.O. 1960, c. 368, s. 80 (1968, c. 125, s. 6), subs. 2, amended

Arbitration

(2) Each county or district combined separate school board shall, on or before the 15th day of March, 1969, appoint three arbitrators who are not trustees of the board or members of a municipal council that has jurisdiction within the county or district combined separate school zone, who shall value and adjust in an equitable manner the assets and liabilities, as of the 31st day of December, 1968, except lands and premises used as schools on such 31st day of December, of the boards that, before they were dissolved under subsection 1, had jurisdiction wholly in the area in which the county or district combined separate school board has jurisdiction.

R.S.O. 1960, c. 368, s. 80 (1968, c. 125, s. 6), subs. 3, amended

(4) Subsection 3 of the said section 80 is amended by inserting after "manner" in the ninth line "the assets and liabilities of such boards as of the 31st day of December, 1968, except lands and premises used as schools on such 31st day of December, and shall apportion in an equitable manner", so that the subsection shall read as follows:

Idem

(3) Where a board that is dissolved under subsection 1 had jurisdiction in an area that, after the 1st day of January, 1969, forms part of two or more county or district combined separate school zones, each such county or district combined separate school board shall, on or before the 15th day of March, 1969, designate two of the arbitrators appointed under subsection 2 who shall collectively value and adjust in an equitable manner the assets and liabilities of such boards as of the 31st day of December, 1968, except lands and premises used as schools on such 31st day of December, and shall apportion in an equitable manner the obligations under clauses *c* and *f* of subsection 1.

R.S.O. 1960, c. 368, s. 80 (1968, c. 125, s. 6), amended

(5) The said section 80 is amended by adding thereto the following subsection:

Fees for arbitrators R.S.O. 1960, c. 361

(9) Notwithstanding subsection 3 of section 99 of *The Schools Administration Act*, each arbitrator appointed under this section shall be paid such fee for his services as is determined by the board that appointed him.

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 2, amended

8.—(1) Subsection 2 of section 84 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by adding at the commencement thereof "Subject to subsection 4" and by inserting after "the" where it occurs the second time in the third line "county", so that the subsection, exclusive of the clauses, shall read as follows:

(2) Subject to subsection 4, the number of trustees of a county combined separate school board shall be determined by the population of the county or counties in the county combined separate school zone, and the number of trustees of a district combined separate school board shall be determined by the population of the municipalities all or part of which are included in the district combined separate school zone, as the case may be, as follows, where the population is, Composition of board

. . . . .

(2) Clause *b* of subsection 4 of the said section 84 is amended by adding at the end thereof "but in no case shall the number of trustees to be elected under this clause be fewer than one", so that the clause shall read as follows: R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 4, cl. *b*, amended

(*b*) of the county or district municipalities or the parts thereof shall be the number of trustees determined under subsection 2 less the total number of trustees determined under clause *a* for the city or cities, but in no case shall the number of trustees to be elected under this clause be fewer than one.

(3) Subsections 21, 22 and 24 of the said section 84 are repealed. R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subss. 21, 22, 24, repealed

9. Section 86 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 368, s. 86 (1968, c. 125, s. 6), amended

(3) Subsections 1 and 2 do not extend the right acquired by a pupil to attend a school under an order of the Ontario Municipal Board or under an agreement between two or more boards or between a board and the Crown in right of Canada. Application of subss. 1, 2

10.—(1) This Act, except sections 2 and 3, subsection 1 of section 5, section 7, subsections 1 and 2 of section 8 and section 9 comes into force on the day it receives Royal Assent. Commencement

(2) Subsections 1 and 2 of section 8 shall be deemed to have come into force on the 23rd day of June, 1968. Idem

(3) Subsection 1 of section 3, subsection 1 of section 5 and sections 7 and 9 shall be deemed to have come into force on the 23rd day of July, 1968. Idem

(4)

Idem

(4) Section 2 and subsection 2 of section 3 come into force on the 1st day of January, 1970.

Short title

11. This Act may be cited as *The Separate Schools Amendment Act, 1968-69*.

CHAPTER 118

An Act to amend The Sheriffs Act

Assented to October 31st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Sheriffs Act* is amended by adding thereto the following section: R.S.O. 1960, c. 371, amended

24*a*. The books referred to in section 13 and all other books, records, processes and documents not pertaining solely to the administration of the staff and management of the office shall be retained by the sheriff for a period of at least twenty years after such books, records, processes and documents cease to be in current use and thereafter may be disposed of in the manner provided in section 3 of *The Archives Act*. Disposal of records R.S.O. 1960, c. 21

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Sheriffs Amendment Act, 1968-69*. Short title

CHAPTER 119

An Act respecting the Municipality of Shuniah

Assented to June 18th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Municipality of Shuniah, constitution

1. Notwithstanding any general or special Act, on and after the 1st day of January, 1970, the Municipality of Shuniah shall consist of the townships of McGregor and McTavish with the islands in front of such townships as referred to in section 2 of *The Municipality of Shuniah Act, 1936*, and the Township of McGregor with such islands in front of it shall be known as the McGregor Ward, and the Township of McTavish with such islands in front of it shall be known as the McTavish Ward.

1936, c. 83

Council,

2. Notwithstanding any general or special Act,

composition

(*a*) on and after the 1st day of January, 1970, the council of the Municipality of Shuniah shall consist of a reeve and four councillors, three councillors to be elected by the electors of the McGregor Ward and one councillor to be elected by the electors of the McTavish Ward and the reeve to be elected by the general vote of the electors of the whole municipality;

term of office

(*b*) the members of the council shall be elected for a three-year term of office commencing on the 1st day of January, 1970, and thereafter for a two-year term of office commencing with the council that takes office in January, 1973;

present

(*c*) the members of the council elected to hold office for the year ending the 31st day of December, 1970, shall cease to hold office when their successors are elected and the new council is organized; and

(*d*)

expenses of first election

(*d*) the expenses of The Corporation of the Municipality of Shuniah for the election to elect the council to take office on the 1st day of January, 1970, shall, as approved by the Minister of Municipal Affairs, be paid out of the Consolidated Revenue Fund.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Municipality of Shuniah Act, 1968-69*.

CHAPTER 120

An Act to provide for the Consolidation and Revision of the Statutes

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Commissioners, appointment

1.—(1) Warner Cox Alcombrack, one of Her Majesty's Counsel, and Arthur Norman Stone, one of Her Majesty's Counsel, Legislative Counsel and Associate Legislative Counsel respectively, or such other person or persons as the Lieutenant Governor in Council may appoint, are hereby appointed commissioners under the direction of the Minister of Justice and Attorney General to consolidate and revise the public general statutes of Ontario in accordance with this Act.

Remuneration

(2) The commissioners and such persons as may assist them shall be paid such remuneration for their services under this Act, out of the moneys voted by the Legislature for the purposes of this Act, as the Lieutenant Governor in Council may fix.

Duties

2. The commissioners shall examine the Revised Statutes of Ontario, 1960, and the public general statutes of Ontario enacted after the 31st day of December, 1960, and before the 1st day of August, 1970, and shall arrange, consolidate and revise such statutes in accordance with this Act.

Powers

3. In the performance of their duties under this Act, the commissioners may omit any enactment that is not of general application or that is obsolete, may alter the numbering and arrangement of any enactment, may make such alterations in language and punctuation as are requisite to obtain a uniform mode of expression, and may make such amendments as are necessary to bring out more clearly what is deemed to be the intention of the Legislature or to reconcile seemingly inconsistent enactments or to correct clerical, grammatical or typographical errors.

Printed roll

4. As soon as the commissioners report the completion of the consolidation and revision authorized by this Act, the Lieutenant Governor may cause a printed roll thereof, attested by his signature and countersigned by the Minister of Justice and Attorney General, to be deposited in the office of the Clerk of the Assembly.

Appendices

5. There shall be appended to the roll,

(*a*) an appendix marked "Appendix A", similar in form to Appendix A appended to the Revised Statutes of Ontario, 1960, containing certain Imperial Acts and parts of Acts relating to property and civil rights that were consolidated in The Revised Statutes of Ontario, 1897, Volume III, pursuant to chapter 13 of the Statutes of Ontario, 1902, that are not repealed by the Revised Statutes of Ontario, 1970 and are in force in Ontario subject thereto; and

(*b*) an appendix marked "Appendix B", similar in form to Appendix B appended to the Revised Statutes of Ontario, 1960, containing certain Imperial statutes and statutes of Canada relating to the constitution and boundaries of Ontario.

Schedules

6.—(1) There shall be appended to the roll,

(*a*) a schedule marked "Schedule A", similar in form to Schedule A appended to the Revised Statutes of Ontario, 1960, showing the Acts contained in the Revised Statutes of Ontario, 1960 and the other Acts that are repealed in whole or in part from the day upon which the Revised Statutes of Ontario, 1970 take effect and the extent of such repeal; and

(*b*) a schedule marked "Schedule B", similar in form to Schedule B appended to the Revised Statutes of Ontario, 1960, showing the Acts and parts of Acts that are repealed, superseded and consolidated in the Revised Statutes of Ontario, 1970 and showing also the portions of the Revised Statutes of Ontario, 1960 and Acts passed thereafter that are not consolidated.

Effect of mention of an Act in schedules

(2) The mention of an Act or a part thereof in a schedule shall not be construed as a declaration that the Act or part was or was not in force immediately before the coming into force of the Revised Statutes of Ontario, 1970.

Proclamation

7.—(1) After the deposit of the roll pursuant to section 4, the Lieutenant Governor may by proclamation declare the

day

day upon which the roll will come into force and have effect as law by the designation "Revised Statutes of Ontario, 1970".

Effect of proclamation

(2) On and after the day so proclaimed, the roll shall be in force and effect by the said designation to all intents as though the same were expressly embodied in and enacted by this Act to come into force and have effect on and after that day, and on and after that day all the enactments in the several Acts and parts of Acts in Schedule A thereto shall be repealed to the extent mentioned in the third column of the schedule.

References to repealed Acts in former Acts

8. Any reference in an unrepealed and unconsolidated Act or in an instrument or document to an Act or enactment repealed and consolidated shall, after the Revised Statutes of Ontario, 1970 come into force, be held, as regards any subsequent transaction, matter or thing, to be a reference to the Act or enactment in the Revised Statutes of Ontario, 1970 having the same effect as such repealed and consolidated Act or enactment.

Copies printed by Queen's Printer to be evidence

9. Copies of the Revised Statutes of Ontario, 1970 as printed by the Queen's Printer shall be received as evidence of the Revised Statutes of Ontario, 1970 in all courts and places whatsoever.

Distribution of copies

10.—(1) The laws relating to the distribution of the printed copies of the sessional statutes do not apply to the Revised Statutes of Ontario, 1970, but the latter shall be distributed as the Lieutenant Governor in Council directs.

Idem

(2) The Lieutenant Governor in Council may make a list of the persons and classes of persons to whom the Revised Statutes of Ontario, 1970 may be distributed free of charge and may fix the price at which copies may be sold by the Queen's Printer.

This Act to be printed with R.S.O. 1970

11. This Act shall be printed with the Revised Statutes of Ontario, 1970 and is subject to the same rules of construction as the Revised Statutes of Ontario, 1970.

How Acts may be cited

12. A chapter of the Revised Statutes of Ontario, 1970 may be cited and referred to in any Act, proceeding, instrument or document whatever either by its title as an Act or by using the expression "Revised Statutes of Ontario, 1970, chapter ", or the abbreviation "R.S.O. 1970, c. ", adding in each case the number of the particular chapter.

Short title

13. This Act may be cited as *The Statutes Revision Act, 1968-69*.

CHAPTER

CHAPTER 121

An Act to amend The St. Lawrence Parks Commission Act

Assented to June 9th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The St. Lawrence Parks Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 279, s. 9, re-enacted

9.—(1) Notwithstanding any general or special Act, the Lieutenant Governor in Council may from time to time vest any highway, Highways

(*a*) under the jurisdiction and control of the Department of Highways; or

(*b*) under the jurisdiction of a municipality,

in the Commission and thereafter the Commission has exclusive jurisdiction over the highway.

(2) The Commission and the Minister of Highways or the Commission and any municipality may enter into agreement as to the acquisition by the Commission or by the municipality of any highway or any land therefor or as to the establishing, laying out, opening, grading, paving, altering, constructing, reconstructing, maintaining or repairing of any highway, including the cost or the apportionment of the cost of the same and the payment thereof. Agreements

(3) Where by an agreement made under subsection 2, Liability

(*a*) the Minister of Highways undertakes to maintain and repair a highway, section 33 of *The Highway Improvement Act* applies in respect of the highway; and R.S.O. 1960, c. 171

(*b*)

R.S.O. 1960, c. 249

(*b*) a municipality undertakes to maintain and repair a highway, section 443 of *The Municipal Act* applies in respect of the highway,

and no action arising out of the duty to maintain and repair the highway lies against the Commission.

Indemnity

(4) Where the Crown or a municipal corporation is liable for damages sustained by any person by reason of failure to maintain or repair a highway under the jurisdiction of the Commission, the Commission shall indemnify the Crown or the municipal corporation, as the case may be, for all damages and costs incurred in respect of such liability.

Application of R.S.O. 1960, c. 172; 1968, c. 75

(5) *The Highway Traffic Act* and *The Motorized Snow Vehicles Act, 1968* and the regulations made thereunder apply to any highway or portion thereof under the jurisdiction of the Commission and designated under subsection 1 of section 10 as if such highway or portion thereof is the King's Highway.

R.S.O. 1960, c. 279, s. 10, subs. 2, re-enacted

2. Subsection 2 of section 10 of *The St. Lawrence Parks Commission Act* is repealed and the following substituted therefor:

Application of R.S.O. 1960, c. 171, s. 38

(2) Section 38 of *The Highway Improvement Act* applies *mutatis mutandis* to any portion of any of the highways, roads, boulevards or parkways designated under subsection 1 and for such purpose any reference in the said section 38 to Minister or Department shall be deemed to be a reference to the Commission.

R.S.O. 1960, c. 279, amended

3. *The St. Lawrence Parks Commission Act* is amended by adding thereto the following section:

Scenic areas

10*a*.—(1) The Lieutenant Governor in Council may by regulation designate as a scenic area such land in the vicinity of any highway designated under subsection 1 of section 10 as is specified in the regulation.

Restricted areas

(2) Subject to the approval of the Lieutenant Governor in Council, the Commission may, in respect of land within a scenic area, by regulation, exercise any of the powers conferred upon councils of municipalities by section 30 of *The Planning Act* without the approval of the Ontario Municipal Board.

R.S.O. 1960, c. 296

Conflict of regulations and by-laws

(3) In the event of conflict between a regulation made under subsection 2 by the Commission and a by-law passed under section 30 of *The Planning Act*, or a

predecessor

predecessor thereof, by the municipality in which the land is situate, the regulation made by the Commission prevails to the extent of such conflict, but in all other respects the by-law passed by the municipality remains in full force and effect.

4.—(1) Clause *f* of subsection 1 of section 17 of *The St. Lawrence Parks Commission Act* is amended by striking out "or within one-quarter mile of any part thereof", in the fourth line, so that the clause shall read as follows: R.S.O. 1960, c. 279, s. 17, subs. 1, cl. *f*, amended

(*f*) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices in the Parks.

(2) The said section 17 is amended by adding thereto the following subsection: R.S.O. 1960, c. 279, s. 17, amended

(1*a*) Any regulation made under subsection 1 may be general or particular in its application. Idem

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The St. Lawrence Parks Commission Amendment Act, 1968-69*. Short title

CHAPTER 122

An Act to amend The Summary Convictions Act

Assented to April 1st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Summary Convictions Act* is amended by adding thereto the following section: R.S.O. 1960, c. 387, amended

12*a*. A warrant for committal upon default in payment of a fine or of money ordered to be paid may be issued and executed according to its terms in the same manner as a warrant for the arrest of an accused under Part XIV of the *Criminal Code* (Canada). Committal for default in payment of fine 1953-54, c. 51 (Can.)

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Summary Convictions Amendment Act, 1968-69*. Short title

CHAPTER 123

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1970

Assented to December 17th, 1969
Session Prorogued December 17th, 1969

MOST GRACIOUS SOVEREIGN:

Preamble

WHEREAS it appears by messages from the Honourable William Ross Macdonald, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1970, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

$3,277,431,000 granted for fiscal year 1969-70

1.—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole $3,277,431,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1969, to the 31st day of March, 1970, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates, as amended, and supplementary estimates upon which the Schedule is based.

Exception

(2) Where, in the fiscal year ending the 31st day of March, 1970, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Treasury Board to the department administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting for expenditures

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Supply Act, 1968-69*.

SCHEDULE

Department of Agriculture and Food	$ 61,434,000
Department of Civil Service	2,780,000
Department of Correctional Services	46,422,000
Department of Education	933,307,000
Department of Energy and Resources Management	80,149,900
Department of Financial and Commercial Affairs	3,412,000
Department of Health	394,450,100
Department of Highways	483,293,000
Department of Justice (formerly Department of Attorney General)	90,712,000
Department of Labour	29,733,000
Department of Lands and Forests	65,062,000
Office of the Lieutenant Governor	39,000
Department of Mines	6,915,000
Department of Municipal Affairs	204,123,000
Department of the Prime Minister	366,000
Office of the Provincial Auditor	859,500
Department of the Provincial Secretary and Citizenship	7,187,000
Department of Public Works	81,233,000
Department of Revenue	10,637,000
Department of Social and Family Services	264,777,000
Department of Tourism and Information	12,748,000
Department of Trade and Development	93,395,000
Department of Transport	14,161,500
Department of Treasury and Economics	24,387,000
Department of University Affairs	365,848,000
	$3,277,431,000

CHAPTER 124

An Act to amend The Surrogate Courts Act

Assented to October 31st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 74 of *The Surrogate Courts Act* is amended by striking out "$400" in the third line and inserting in lieu thereof "$1,000", so that the subsection shall read as follows: R.S.O. 1960, c. 388, s. 74, subs. 1, amended

(1) Where letters probate, letters of administration or letters of guardianship are sought and the whole property of the deceased or of the ward does not exceed in value $1,000, the registrar shall prepare the necessary papers leading to the grant sought, including all papers and proofs required by *The Succession Duty Act*, and the bond, if any, and he shall administer the necessary oaths, and the total amount to be charged to the applicant for all the proceedings and services shall be $2. Fees where estate does not exceed $1,000 R.S.O. 1960, c. 386

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Surrogate Courts Amendment Act, 1968-69*. Short title

CHAPTER 125

The Surveyors Act, 1968-69

Assented to June 9th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act, Interpretation

(*a*) "articles" means an agreement respecting training and service between a member of the Association and a student;

(*b*) "Association" means The Association of Ontario Land Surveyors;

(*c*) "board" means the board of examiners of the Association;

(*d*) "by-law" means a by-law of the Association;

(*e*) "council" means the council of the Association;

(*f*) "professional land surveying" means the advising on, the reporting on, the supervising of or the conducting of surveys to establish, locate, define or describe the lines, boundaries or corners of parcels of land or land covered with water;

(*g*) "regulation" means a regulation of the Association;

(*h*) "secretary" means the secretary of the Association;

(*i*) "student" means a student in professional land surveying. R.S.O. 1960, c. 389, s. 1, *amended*.

ASSOCIATION

ASSOCIATION

Association continued

2.—(1) The Association of Ontario Land Surveyors constituted a body corporate by section 3 of *The Ontario Land Surveyors Act*, being chapter 34 of the Statutes of Ontario, 1892, is continued as a body corporate. R.S.O. 1960, c. 389, s. 3 (1), *amended.*

Membership

(2) The members of the Association are the persons whose names are on the roll of the Association. R.S.O. 1960, c. 389, s. 3 (2), *amended.*

Objects

3. The objects of the Association are,

(*a*) to regulate the practice of professional land surveying and to govern the profession in accordance with this Act, the regulations and the by-laws;

(*b*) to establish and maintain standards of knowledge and skill among its members; and

(*c*) to establish and maintain standards of professional ethics among its members,

in order that the public interest may be served and protected. *New.*

Head office

4. The head office of the Association shall be in The Municipality of Metropolitan Toronto or at such other place in Ontario as is designated by the regulations. *New.*

Property

5. The Association may purchase, acquire or take by gift, devise or bequest for the purposes of the Association and the furtherance of its objects, but for no other purposes or objects, any real or personal property, and may sell, mortgage, lease or otherwise dispose of any such property. R.S.O. 1960, c. 389, ss. 5, 7, *amended.*

COUNCIL

Council

6.—(1) There shall be a council of the Association, which shall consist of,

(*a*) the Minister of Lands and Forests or his appointee;

(*b*) the Surveyor General; and

(*c*) a president, a vice-president and six elected councillors. R.S.O. 1960, c. 389, s. 6 (1), *amended.*

(2) No person shall be elected as a member of the council unless he is a resident of Ontario and a paid-up member of the Association. R.S.O. 1960, c. 389, s. 10 (2), *amended.* Qualifications of elected members of council

(3) No person shall vote in an election of a member of the council unless he is a member of the Association. R.S.O. 1960, c. 389, s. 14 (1), *amended.* Qualifications of electors

(4) The president and vice-president shall be elected annually by secret ballot and two of the six elected councillors shall be elected annually for a term of three years by secret ballot. R.S.O. 1960, c. 389, s. 10 (1), *amended.* Term of office

(5) In addition to the members of the council mentioned in subsection 1, the Lieutenant Governor in Council may appoint as councillors for a term of three years, Lay councillor; legal councillor

(*a*) a resident of Ontario who is not a member of the Association; and

(*b*) a resident of Ontario who is a barrister and solicitor of at least ten years standing at the bar of Ontario.

(6) Where the president, vice-president or a councillor ceases to be a member of the Association, is absent from three consecutive meetings of the council, resigns as a member of the council, becomes incapacitated or dies, the office may be declared vacant by the council, and, if such office should be declared vacant, except in a case of a councillor appointed by the Lieutenant Governor in Council, the council shall fill the vacancy by the appointment of a person qualified to be elected as a member of the council, and in the case of a vacancy in the office of a councillor appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council may fill the vacancy by appointment of a person of the same class as the councillor causing the vacancy. R.S.O. 1960, c. 389, s. 17, *amended.* Vacancies

(7) No person shall be appointed or elected as a member of the council unless he is a Canadian citizen or other British subject and a person shall cease to be a member of the council if he ceases to be so qualified. *New.* Canadian citizen

7.—(1) The council shall appoint a secretary from among the members of the Association. R.S.O. 1960, c. 389, s. 6 (2), *part, amended.* Secretary

(2) The secretary may also be appointed as the treasurer. *New.* Idem

Roll

(3) In addition to his prescribed duties, the secretary shall maintain and keep for inspection in his office a roll in alphabetical order of the names and the addresses of the members of the Association and shall assign to each member a registration number. R.S.O. 1960, c. 389, s. 30 (1), *amended*.

Evidence of entry on the roll

8. A statement in writing as to the membership or non-membership of any person in the Association purporting to be certified by the secretary is, without proof of office or signature of the secretary, receivable in evidence and constitutes *prima facie* proof of the facts stated therein for all purposes. R.S.O. 1960, c. 389, s. 31 (2, 3), *amended*.

Treasurer

9.—(1) The council may appoint a treasurer and such other officials as it deems fit.

Books of account

(2) In addition to his prescribed duties, the treasurer shall enter in the books to be kept for the purpose a true account of all moneys received and paid by him. R.S.O. 1960, c. 389, s. 39, *amended*.

Regulations

10.—(1) The council may make regulations respecting any matter that is outside the scope of the power to pass by-laws specified in section 11, and, without limiting the generality of the foregoing,

(*a*) respecting the government and discipline of members of the Association and students;

(*b*) respecting the examination of applicants for admission as students, fixing the terms of articles and providing for the reduction of such terms by reason of educational standing or experience, and respecting the examination of students and applicants for membership in the Association;

(*c*) prescribing the form of the summons referred to in subsection 10 of section 27;

(*d*) respecting the practice and procedure for hearings held under this Act;

(*e*) defining "professional misconduct" for the purposes of this Act and the regulations;

(*f*) requiring the bonding of members of the Association or any class thereof, prescribing the collateral security for and terms, conditions and form of bonds, and providing for their forfeiture and the disposition of the proceeds;

(*g*) designating a place in Ontario other than The Municipality of Metropolitan Toronto as the head office of the Association.

(2) No regulation is effective, Approvals

(*a*) until it has been approved by a majority of the members of the Association present and voting at the next annual meeting or at a general meeting of the Association called for the purpose or until it has been submitted to the members of the Association for approval by means of a mailed secret ballot returnable within thirty days after the mailing thereof and it has been approved by a majority of those voting within the prescribed time; and

(*b*) until it has been approved by the Lieutenant Governor in Council. *New.*

11.—(1) The council may pass by-laws relating to the administrative and domestic affairs of the Association, and, without limiting the generality of the foregoing, By-laws

(*a*) governing the nomination, election and taking office of members of the council and providing procedures for determining disputes in connection therewith;

(*b*) fixing the remuneration and reimbursement of members of the council and the members of the board and the examiners;

(*c*) providing for the appointment of committees of the council and defining their composition and functions;

(*d*) providing for the calling of meetings of the Association, the council and committees thereof and of the board, fixing the quorums, and governing the procedure for such meetings;

(*e*) respecting the management of the property of the Association;

(*f*) providing for the borrowing of money on the credit of the Association and the charging, mortgaging, hypothecating or pledging of any of the real or personal property of the Association to secure any money borrowed or other debt or any other obligation or liability of the Association;

(*g*) respecting the application of the funds of the Association, and the investment and reinvestment of any of its funds not immediately required in any investments that may from time to time be authorized

investments for joint stock insurance companies and cash mutual insurance corporations under *The Corporations Act;* R.S.O. 1960, c. 71

(*h*) providing for the establishment of scholarships, bursaries and prizes;

(*i*) respecting the keeping of records by the Association, the council and the board;

(*j*) providing for services to encourage and assist members of the Association in the development of their professional competence and conduct and in carrying on the practice of professional land surveying;

(*k*) fixing and providing for levying and collecting or remitting annual and other fees, levies and assessments;

(*l*) providing for the appointment and privileges of inactive or honorary members of the Association who shall be deemed not to be members of the Association for the purposes of this Act;

(*m*) prescribing the duties of the secretary, the treasurer and any other officials;

(*n*) prescribing the design of seals of members of the Association and providing for their use;

(*o*) prescribing oaths, providing for their use and designating a depository for them;

(*p*) prescribing forms and providing for their use;

(*q*) respecting all other things that are deemed necessary or convenient for the attainment of the objects of the Association and the efficient conduct of its business. R.S.O. 1960, c. 389, s. 8 (1), *part, amended.*

Approval

(2) No by-law is effective until it has been approved by a majority of the members of the Association present and voting at the next annual meeting or at a general meeting of the Association called for the purpose, or until it has been submitted to the members of the Association for approval by means of a mailed secret ballot returnable within thirty days after the mailing thereof and it has been approved by a majority of those voting within the prescribed time. R.S.O. 1960, c. 389, s. 8 (2), *amended.*

(3) The by-laws shall be interpreted as though they formed part of this Act. *New.* Interpretation

12.—(1) The council shall prepare and publish from time to time a code of ethics containing standards of conduct designed for the protection of the public, which standards members of the Association must subscribe to and follow in the practice of professional land surveying. Code of ethics

(2) Copies of the code of ethics shall be sent to the members of the Association and shall be available free of charge to members of the public who apply therefor. *New.* Copies

BOARD

13.—(1) The board shall consist of, Composition of board of examiners

(*a*) a member of the council appointed by the council who shall be the chairman of the board;

(*b*) four members of the Association appointed by the council who shall hold office for a term of three years;

(*c*) two persons appointed by the Lieutenant Governor in Council who shall hold office for a term of three years; and

(*d*) the secretary. R.S.O. 1960, c. 389, s. 19 (1), *amended.*

(2) Where a member of the board resigns, dies or becomes unable to act before his term has expired, the authority that appointed him may appoint another person under subsection 1 to complete the unexpired portion of the term. R.S.O. 1960, c. 389, s. 19 (3), *amended.* Vacancies

(3) Where the chairman of the board is unable to attend a meeting of the board, he shall designate a member of the board to act as chairman for the meeting. *New.* Acting chairman

(4) The board, with the approval of the council, may appoint one or more competent persons to assist the board in any of the subjects of examination. R.S.O. 1960, c. 389, s. 19 (5), *amended.* Examiners

(5) Each member of the board and any person appointed under subsection 4 shall take and subscribe the prescribed oath before a person authorized by law to administer oaths. Oaths

(6)

Meetings

(6) The board shall hold at least one meeting in each year. R.S.O. 1960, c. 389, s. 20 (1), *amended*.

STUDENTS

Qualifications of students

14.—(1) No person shall be a student unless,

(*a*) he holds a certificate of educational standing required for admission to a course in civil engineering in a university in Ontario or evidence of an educational standing that in the opinion of the board is the equivalent thereof;

(*b*) he passes such of the prescribed examinations as are required by the board; and

(*c*) his articles are approved by the board. R.S.O. 1960, c. 389, s. 22, *amended*.

Application to be student

(2) An application to be a student shall be made to the secretary and shall be accompanied by evidence satisfactory to the board of the applicant's educational standing, two references as to his good character, and his articles. *New*.

Stale articles

(3) No articles that have been executed for more than thirty days shall be submitted under subsection 2.

Registration

(4) When an application under this section is approved by the board, the secretary shall register the applicant as a student and notify the parties to the articles by mail of the registration. R.S.O. 1960, c. 389, s. 27, *amended*.

Transfer of articles

15.—(1) A member of the Association who is a party to articles may, with the consent of the student and the approval of the council, transfer the articles to another member of the Association.

Idem

(2) Upon cause being shown to the council, the council may transfer articles from one member of the Association to another member. R.S.O. 1960, c. 389, s. 26, *amended*.

MEMBERS

Existing members

16. Every person who is a member of the Association on the 31st day of December, 1969, shall be entered on the roll under this Act. *New*.

New members

17.—(1) The board shall upon application admit as a member of the Association a student who,

(*a*) is twenty-one or more years of age;

(*b*) resides,

(i) in Ontario,

(ii) outside Ontario and is employed for an indefinite period as a full-time employee of an employer having works or facilities in Ontario and is required by the terms of his employment to practise professional land surveying in respect of such works or facilities or has a place of employment in Ontario and proposes to practise professional land surveying in Ontario on a full-time basis;

(*c*) has faithfully and regularly served his term of articles, serving one-half of the term in actual survey work in the field and has filed with the secretary at the close of each year of service a record of his training, certified by the member of the Association to whom he was articled;

(*d*) has, not more than one year before the completion of his articles, passed such of the prescribed examinations as are required by the board;

(*e*) has received training and experience in professional land surveying satisfactory to the board;

(*f*) has paid all dues owed by him to the Association;

(*g*) has produced satisfactory evidence of continued good character;

(*h*) has provided himself with a certified standard measure of length; and

(*i*) has taken and subscribed the prescribed oath. R.S.O. 1960, c. 389, s. 21 (1), *amended*.

Oaths

(2) The chairman of the board or any other member thereof who is designated by the board for the purpose may administer the oath mentioned in clause *i* of subsection 1. *New*.

Surveyors from other jurisdictions

18. The board shall upon application admit as a member of the Association any person who furnishes satisfactory proof that he,

(*a*) is twenty-one years or more of age;

(*b*)

(*b*) resides in Ontario or resides outside Ontario under the circumstances set out in subclause ii of clause *b* of subsection 1 of section 17;

(*c*) is a member of an association of professional land surveyors in a jurisdiction other than Ontario that has objects similar to those of the Association and requirements for membership no less exacting than those in effect in Ontario;

(*d*) has received training and experience in professional land surveying satisfactory to the board;

(*e*) has produced satisfactory evidence of good character;

(*f*) has paid the prescribed fee;

(*g*) has passed such examinations and served articles for such term as the board determines; and

(*h*) has complied with clauses *h* and *i* of subsection 1 of section 17. R.S.O. 1960, c. 389, s. 24, *amended*.

Hearing where application for membership, etc., refused

19.—(1) Where an applicant for membership has met the academic and experience requirements, or an applicant for readmittance has paid the required dues and has passed any required examinations, and his application is refused, the board or the council, as the case may be, shall, upon the written request of the applicant received by the secretary within fifteen days of the receipt by the applicant of written notice of the refusal, conduct a hearing of the matter.

Conduct of hearing

(2) Section 27 applies *mutatis mutandis* to any hearing conducted under this section except that upon any such hearing the board or the council, as the case may be, may make findings of fact by such standards of proof as are commonly relied upon by reasonable and prudent men in the conduct of their own affairs. *New*.

Recovery of dues

20.—(1) Any fee, assessment or levy payable under the by-laws shall be deemed to be a debt due to the Association and is recoverable with costs in the name of the Association in any court of competent jurisdiction. R.S.O. 1960, c. 389, s. 38 (1), *amended*.

Suspension for non-payment of dues

(2) Where any fee, assessment or levy payable under the by-laws remains unpaid for a period of six months after the date upon which it became due, the secretary shall send a written notice of such default by prepaid mail to the defaulting member at his address shown on the roll and, if payment

is not made within one month thereafter, the council may direct the secretary to remove his name from the roll, and thereupon he ceases to be a member, but the council shall upon application readmit him if he,

(*a*) pays the amount of fees, assessments and levies that he would have owed if he had continued to be a member or such part thereof as the council deems just; and

(*b*) passes such examination as the council directs. R.S.O. 1960, c. 389, s. 29, *amended.*

Resignations

21. A member of the Association may resign from the Association upon giving written notice to the secretary and paying all dues owed by him to the Association. R.S.O. 1960, c. 389, s. 30 (2), *amended.*

Re-admission to membership

22. Where a member of the Association has resigned from the Association, the board may upon application readmit him if he,

(*a*) pays the annual membership fee for the year; and

(*b*) passes such examination as the board directs. R.S.O. 1960, c. 389, s. 30 (2), *part, amended.*

Seal

23. A member of the Association shall have a seal of the prescribed design, which shall contain his name and his registration number. *New.*

Certificate of membership

24. The secretary shall issue a certificate of membership in the Association to each member who shall keep it prominently displayed in his place of business. R.S.O. 1960, c. 389, s. 21 (1), *part, amended.*

Right to practise

25.—(1) Every member of the Association is entitled to engage in the practice of professional land surveying. *New.*

Right to use title

(2) Every member of the Association is entitled to use the title "Ontario Land Surveyor" or the abbreviation "O.L.S.". R.S.O. 1960, c. 389, s. 34 (1), *part, amended.*

PARTNERSHIPS, CORPORATIONS

Practice prohibited by partnerships and corporations

26.—(1) No partnership, association of persons or corporation as such shall be a member or shall, except as authorized by this section, practise professional land surveying.

Certificates of authorization

(2) A partnership, association of persons or corporation that holds a certificate of authorization may, in its own name, practise professional land surveying,

(*a*) if one of its principal or customary functions is to engage in the practice of professional land surveying; and

(*b*) if the practice of professional land surveying is done under the responsibility and supervision of a member of the partnership or the association of persons, a director of the corporation, or a full-time employee of the corporation, who in any case is a member of the Association; and

(*c*) in the case of a corporation, if a majority of each class of its shares is owned by and registered in the name of one or more members of the Association.

Applications for certificates

(3) A partnership, association of persons or corporation that desires a certificate of authorization shall submit to the secretary an application in the prescribed form containing,

(*a*) the names and addresses of all its partners, members, officers or directors, as the case may be;

(*b*) the names of all its partners, its members in the case of associations of persons, its directors or full-time employees in the case of corporations, who are the members of the Association who will be in charge of professional land surveying on its behalf;

(*c*) from among the names specified under clause *b* the name or names of its official representative or representatives whose duty it is to ensure that this Act, the regulations and the by-laws are complied with by the partnership, the association of persons or the corporation, as the case may be,

and shall, whenever there is a change in the particulars given in its application, give notice of the change to the secretary within thirty days after the effective date of the change.

Issue of certificates

(4) If subsection 3 is complied with, the secretary shall issue to the applicant a certificate of authorization.

Ipso facto revocation of certificate

(5) Where the holder of a certificate of authorization ceases to have any official representative, the certificate is *ipso facto* revoked, and the partnership, association of persons or corporation shall not practise professional land surveying until a new certificate of authorization is issued.

(6) Where the council finds that the holder of a certificate of authorization has failed to observe any of the provisions of this section or has been guilty of conduct that would, in the case of a member of the Association, have been professional misconduct, the council may reprimand the holder or suspend or revoke the certificate of authorization. Reprimand of holder of certificate

(7) Sections 19, 27 and 28 apply *mutatis mutandis* to the refusal to issue a certificate of authorization and to the revocation or suspension of a certificate of authorization. *New.* Application of ss. 19, 27, 28

DISCIPLINE

27.—(1) Subject to subsection 2, where the council finds that a person who is a member of the Association is guilty of professional misconduct or has obtained admission as a member by reason of misrepresentation, the council may by order do one or more of the following: Powers of council to discipline members

1. Reprimand such person and, if considered proper, direct that the fact of the reprimand be recorded on the roll.

2. Suspend the membership of such person for such time as the council considers proper and direct that the reinstatement of such membership on the termination of such suspension be subject to such conditions, if any, as the council considers proper.

3. Direct that the imposition of any penalty be suspended or postponed for such period and upon such terms as the council considers proper and that at the end of such period and upon the compliance with such terms any penalty be remitted.

4. Direct that the membership of such person be cancelled and that the name of such person be removed from the roll.

5. Direct that the decision of the council be published in detail or in summary in such manner or medium as the council considers appropriate in any particular case.

6. Direct that, where it appears that the proceedings were unwarranted, such costs as to the council seem just be paid by the Association to the member whose conduct was the subject of such proceedings. R.S.O. 1960, c. 389, s. 36 (1), *amended.*

Complaint and hearing

(2) The council shall not take any action under subsection 1 unless,

(*a*) a complaint under oath has been filed with the secretary and a copy thereof has been served on the person whose conduct is being investigated;

(*b*) the person whose conduct is being investigated has been served with a notice of the time and place of the hearing; and

(*c*) the council has heard evidence of or on behalf of the complainant and, if the person whose conduct is being investigated appears at the hearing and so requests, has heard his evidence or evidence on his behalf and has reached the decision that he is guilty.

Power to take sworn evidence

(3) Any person presiding at a hearing may administer oaths to witnesses and require them to give evidence under oath.

Failure to appear

(4) If the person whose conduct is being investigated fails to appear in answer to the notice at the time and place appointed, the hearing may be conducted in his absence.

Disciplinary hearings to be held *in camera*

(5) Hearings shall be held *in camera*, but if the person whose conduct is being investigated requests otherwise by a notice in writing delivered to the secretary before the day fixed for the hearing, the council may conduct the hearing in public or otherwise as it thinks proper.

Adjournments

(6) The council may adjourn any hearing at any time and from time to time.

Attendance of persons being investigated

(7) A person whose conduct is being investigated, if present in person at the hearing, has the right to be represented by counsel or agent, to adduce evidence and to make submissions and any such person may be compelled to attend and give evidence in the manner provided in subsection 10.

Hearing of evidence R.S.O. 1960, c. 125

(8) The oral evidence submitted at a hearing shall be taken down in writing or by any other method authorized by *The Evidence Act*.

Rules of evidence

(9) The rules of evidence applicable in civil proceedings are applicable at hearings, but at a hearing members of the council may take notice of generally recognized technical or scientific facts or opinions within the specialized knowledge of members of the council if the person whose conduct is being investigated has been informed before or during the hearing of any such matters noticed and he has been given an opportunity to contest the material so noticed. *New.*

Summons to witness

(10) The president, the vice-president or the secretary may, and the secretary upon application of a person whose conduct is being investigated shall, issue a summons in the prescribed form commanding the attendance and examination of any person as a witness, and the production of any document the production of which could be compelled at the trial of an action, to appear before the council at the time and place mentioned in the summons and stating that failure to obey the summons will render the person liable to imprisonment on an application to the Supreme Court, but the person whose attendance is required is entitled to the like conduct money and payment for expenses and loss of time as upon attendance as a witness at a trial in the Supreme Court.

Failure of witness to appear, etc.

(11) If any person,

(*a*) on being duly summoned to appear as a witness makes default in attending; or

(*b*) being in attendance as a witness refuses to take an oath legally required to be taken, or to produce any document in his power or control legally required to be produced by him, or to answer any question which he is legally required to answer; or

(*c*) does any other thing which would, if the council had been a court of law having power to commit for contempt, have been contempt of that court,

the person presiding at the hearing may certify the offence of that person under his hand to the Supreme Court and the court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statements that may be offered in defence, punish or take steps for the punishment of that person in the like manner as if he had been guilty of contempt of court. R.S.O. 1960, c. 389, s. 37, *amended*.

Examination and cross-examination

(12) At a hearing the complainant and the person whose conduct is being investigated have the right to examine the witnesses called by them respectively, and to cross-examine the witnesses opposed in interest.

Decisions

(13) The decision taken after a hearing shall be in writing and shall contain or be accompanied by the reasons for the decision in which are set out the findings of fact and the conclusions of law, if any, based thereon, and a copy of the decision and the reasons therefor, together with a notice to the person whose conduct is being investigated of his right of appeal, shall be served upon him within thirty days after the date of the decision.

Record

(14) A record shall be compiled for every hearing consisting of the complaint and the notice referred to in subsection 2, any intermediate rulings or orders made in the course of the proceedings, a transcript of the oral evidence, if a transcript has been prepared, such documentary evidence and things as were received in evidence and the decision and the reasons therefor, provided that documents and things received in evidence may be released to the persons tendering them when all appeals have been finally disposed of or the right to appeal has terminated.

Service of documents

(15) Any document required to be served under this Act upon a person whose conduct is being investigated shall be served personally upon him, but where it appears that service cannot be effected personally, the document may be served by mailing a copy thereof in a registered letter addressed to him at his last known residence or office address as shown by the records of the Association, and service shall be effected not less than ten days before the date of the hearing or the event or thing required to be done, as the case may be, and proof by affidavit of the service is sufficient. *New.*

Re-instatement after suspension

(16) Where a member has been suspended from practising under this section, he may, upon payment of all dues owed by him to the Association, apply to the council to be reinstated as a member and the council may terminate the suspension of such member upon such terms as it considers proper.

Re-admission after expulsion

(17) A person whose membership has been cancelled under this section may apply to the council for membership and the council shall, subject to subsection 18, hear the application and make such order as it considers proper and may include as a term of any such order such conditions as the council considers proper to be fulfilled before the applicant is admitted to membership or to be observed by such member thereafter. R.S.O. 1960, c. 389, s. 36 (8), *amended.*

Idem

(18) Except with the consent of the council, no application under subsection 17 shall be heard before the expiry of two years from the date of the cancellation of membership or the date of the final disposition of any appeal.

Idem

(19) Upon a hearing for admission to membership under subsection 17, the council shall follow, in so far as is practicable, the procedure provided for in the case of a complaint under this section, and a former member has the same right of appeal from an order made by the council under subsection 17 as is provided in section 28.

Committee of council

(20) The council may appoint a committee to act for and on its behalf composed of not fewer than five members of the council, one of whom shall be the president or the vice-

president

president, and may delegate to the committee all or any of its powers and duties under this section upon such terms and conditions, if any, as the council considers proper, and a decision or order of the committee is the decision or order of the council. *New.*

Practice pending appeal

(21) Except in the case of professional misconduct constituting incompetence on the part of the person whose conduct was investigated, the suspension or cancellation of the membership of a person whose conduct was investigated under this section does not become effective until any appeal has been finally disposed of or the right of appeal has terminated. R.S.O. 1960, c. 389, s. 36 (2), *amended.*

APPEAL

Appeal

28.—(1) Any person who has been refused admittance or readmission to membership in the Association or who has been reprimanded or whose membership is suspended or cancelled may appeal from the order of refusal, reprimand, suspension or cancellation to the Court of Appeal within fifteen days from the day upon which he is served with the order of refusal, reprimand, suspension or cancellation.

Certified copies of papers

(2) Upon the request of any person desiring to appeal and upon payment of the cost thereof, the secretary shall furnish such person with a certified copy of all proceedings, evidence, reports, orders and papers received as evidence by the board or council in dealing with and disposing of the matter complained of.

Failure to pay costs

(3) If the appellant fails to pay the cost of the certified copy and the cost of such additional copies of the evidence as may be reasonably required for the purposes of the appeal within fifteen days after written demand from the secretary, the appeal shall be deemed to be abandoned. *New.*

Procedure and record

(4) An appeal under this section shall be by motion, notice of which shall be served upon the secretary, and the record shall consist of a copy, certified by the secretary, of the proceedings before the board or council, the evidence taken, the report of the board or council and all decisions, findings and orders of the board or council in the matter.

Practice

(5) Except as otherwise provided, appeals under this section shall be in accordance with the practice in appeals from, the decision or order of a judge of the Supreme Court.

Orders

(6) Upon the hearing of an appeal under this section, the Court of Appeal may make such order as the court deems proper or may refer the matter or any part thereof back to the

board

board or council with such directions as the court deems proper.

Costs

(7) The Court of Appeal may make such order as to the costs of the appeal as the court deems proper. R.S.O. 1960, c. 389, s. 36 (3-7), *amended*.

OFFENCES

Offences, persons

29.—(1) Every person, other than a member of the Association, who,

(*a*) uses the title "Ontario Land Surveyor" or uses any addition to or abbreviation of such title, or uses the designation "surveyor" or any words, name or designation that will lead to the belief that he is a member of the Association;

(*b*) advertises, holds himself out, or conducts himself in any way or by any means as a member of the Association; or

(*c*) engages in the practice of professional land surveying,

is guilty of an offence.

Idem

(2) Every person who,

(*a*) wilfully procures or attempts to procure admission to the Association for himself or for another person by making, producing or causing to be made or produced any fraudulent representation or declaration either oral or written;

(*b*) wilfully procures or attempts to procure a certificate of authorization for a partnership, association of persons or corporation by making, producing or causing to be made or produced any fraudulent representation or declaration either oral or written; or

(*c*) knowingly makes any false statement in any application, declaration or other document under this Act or the regulations,

is guilty of an offence.

Offences, partnerships, associations and corporations

(3) Where a partnership, association of persons or corporation that has no subsisting certificate of authorization,

(*a*) practises professional land surveying;

(*b*) uses any name, title, description or designation that will lead to the belief that it is entitled to practise professional land surveying; or

(*c*) advertises, holds itself out or conducts itself in any way or in such manner as to lead to the belief that it is entitled to practise professional land surveying,

every member of the partnership, every member of the association of persons, or the corporation and every director thereof, is guilty of an offence.

Idem

(4) Where a partnership, association of persons or corporation that has a subsisting certificate of authorization practises professional land surveying in contravention of this Act, every member of the partnership, every member of the association of persons, or the corporation and every director thereof, is guilty of an offence.

Penalties

(5) Every person, member of a partnership, member of an association of persons, and every corporation and director thereof, who is guilty of an offence under this section is, on summary conviction, liable to a fine of not more than $1,000 or to imprisonment for a term of not more than six months, or to both.

Limitation of proceedings

(6) No proceedings shall be commenced for a contravention of any of the provisions of this section after two years from the date of the commission of such contravention. *New.*

Protection from actions

30. No action or other proceedings for damages shall be instituted against the council or the board, or any member or official of the council or the board or any person appointed by the council or the board for any act done in good faith in the performance or intended performance of any duty or in the exercise or in the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of any such duty or power. *New.*

TRANSITIONAL

Present members of council

31. Every member of the council in office immediately before this Act comes into force shall continue in office for the unexpired portion of his term. *New.*

Bonds

32. The Treasurer of Ontario and Minister of Economics shall cause to be delivered to the secretary all bonds on deposit with him under clause *g* of subsection 1 of section 21 of *The Surveyors Act*, being chapter 389 of the Revised Statutes of Ontario, 1960, or under any predecessor thereof.

33.

Oaths

33. The Provincial Secretary and Minister of Citizenship shall cause to be delivered to the secretary all oaths on deposit with him under clause *i* of subsection 1 of section 21 of *The Surveyors Act*, being chapter 389 of the Revised Statutes of Ontario, 1960, or under any predecessor thereof.

MISCELLANEOUS

R.S.O. 1960, c. 389, repealed

34. *The Surveyors Act* is repealed.

Commencement

35. This Act comes into force on the 1st day of January, 1970.

Short title

36. This Act may be cited as *The Surveyors Act, 1968-69*.

CHAPTER

CHAPTER 126

An Act to amend The Teachers' Superannuation Act

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause ii of clause *d* of subsection 1 of section 17 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 392, s. 17, subs. 1, cl. *d*, subcl. ii, re-enacted

(ii) to pay monthly to the Commission a sum equal to the sum required to be paid under section 19 for those persons on its teaching staff who are contributors to the Fund under this section together with a sum calculated thereon at a rate equal to the rate of the contributions made from time to time to the Fund by the Province under section 23,

. . . . . .

2.—(1) Subsection 1 of section 18 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 392, s. 18, subs. 1, re-enacted

(1) Every person who is employed and who contributes to the Canada Pension Plan shall contribute to the Fund from his salary for the calendar year, Contributions

(*a*) 6 per cent of the part thereof which is below the year's basic exemption as prescribed by the *Canada Pension Plan*; 1964-65, c. 51 (Can.)

(*b*) 4.2 per cent of the part thereof which is between the year's basic exemption and the year's maximum pensionable earnings as prescribed by the *Canada Pension Plan*; and

(*c*) 6 per cent of the part thereof which is in excess of the year's maximum pensionable earnings.

Idem

(1*a*) Every person who is employed and who does not contribute to the Canada Pension Plan shall contribute to the Fund 6 per cent of his salary.

R.S.O. 1960, c. 392, s. 18, subs. 2, amended

(2) Subsection 2 of the said section 18 is amended by striking out "$1,000" in the first line and in the third line and inserting in lieu thereof in each instance "$2,000", so that the subsection shall read as follows:

Salaries under $2,000

(2) Where the annual rate of salary is less than $2,000, it shall, for the purposes of this section, be deemed to be at the annual rate of $2,000.

R.S.O. 1960, c. 392, s. 18, subs. 5 (1966, c. 152, s. 8), repealed

(3) Subsection 5 of the said section 18, as enacted by section 8 of *The Teachers' Superannuation Amendment Act, 1966*, is repealed.

R.S.O. 1960, c. 392, s. 19, re-enacted

3. Section 19 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor:

Contributions to be deducted

19.—(1) Contributions shall be deducted by the board or other authority employing the person from each payment of his salary and shall be forwarded to the Commission on or before the fifteenth day of the month following the month in which the payment was made.

Interest

(2) Notwithstanding clause *b* of section 11, interest shall be payable by the board or other authority on any sum in arrears under subsection 1.

Report of contributions

(3) Every board and other authority shall report to the Commission from time to time as required by the Commission, but not more often than once a month, as to the contributions deducted.

R.S.O. 1960, c. 392, s. 24, amended

4. Section 24 of *The Teachers' Superannuation Act* is amended by striking out "subsection 1 of section 19 and" in the second line and by striking out "at the rate of 4 per cent" in the fifth line, so that the section shall read as follows:

Interest

24. All sums placed to the credit of the Fund during a fiscal year under section 23 shall be deemed to have been credited as of the 1st day of June in the preceding fiscal year, and the Treasurer shall pay interest thereon for the period between that day and the last day of the fiscal year in which the sums were actually received.

5. Section 24*a* of *The Teachers' Superannuation Act*, as enacted by section 10 of *The Teachers' Superannuation Amendment Act, 1966*, is repealed. R.S.O. 1960, c. 392, s. 24*a* (1966, c. 152, s. 10), repealed

6. Section 60 of *The Teachers' Superannuation Act*, as enacted by section 4 of *The Teachers' Superannuation Amendment Act, 1967*, is repealed and the following substituted therefor: R.S.O. 1960, c. 392, s. 60 (1967, c. 99, s. 4), re-enacted

60. Subject to the approval of the Lieutenant Governor in Council, the Commission may enter into agreements with the authorized representatives of any other pension fund respecting the terms and conditions upon which persons may transfer to or from the Fund from or to the other pension fund. Transfer agreements

7. The deductions from the total legislative grant payable to a board or other authority in respect of contributions for the year 1968 and the payment of interest in respect of the year 1968 shall be made and paid as if this Act had not been passed. 1968 cycle to be completed

8. This Act shall be deemed to have come into force on the 1st day of January, 1969. Commencement

9. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1968-69*. Short title

CHAPTER

CHAPTER 127

An Act to amend The Teaching Profession Act

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Teaching Profession Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 393, s. 5, subs. 1, re-enacted

(1) There shall be a Board of Governors of the Federation, which shall be composed of fifty members consisting of the immediate past president, the president, the first vice-president, the second vice-president and the secretary-treasurer of each of, The Ontario Secondary School Teachers' Federation, The Federation of Women Teachers' Associations of Ontario, The Ontario Public School Men Teachers' Federation, L'Association des Enseignants Franco-Ontariens and The Ontario English Catholic Teachers' Association, and five representatives of each of such federations or associations, who shall be elected annually at the annual meeting of the federation or association from among its members. Board of Governors

2. Subsection 1 of section 6 of *The Teaching Profession Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 393, s. 6, subs. 1, re-enacted

(1) There shall be an executive of the Federation, which shall be composed of eleven members as follows: Executive

(*a*) the immediate past president, the president, the first vice-president, the second vice-president and the third vice-president of the Federation;

(*b*) one representative of The Ontario Secondary School Teachers' Federation, one representative of The Federation of Women Teachers'

Associations

Associations of Ontario, one representative of The Ontario Public School Men Teachers' Federation, one representative of L'Association des Enseignants Franco-Ontariens and one representative of The Ontario English Catholic Teachers' Association, who shall be elected annually at the annual meeting of the Board of Governors from among its members; and

(*c*) the secretary-treasurer of the Federation.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Teaching Profession Amendment Act, 1968-69*.

CHAPTER 128

An Act to amend The Territorial Division Act

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Territorial Division Act*, as amended by subsection 1 of section 1 of *The Territorial Division Amendment Act, 1968*, is further amended by striking out "and 5" in the third line and inserting in lieu thereof "5 and 5*a*", so that the section, exclusive of the paragraphs, shall read as follows: R.S.O. 1960, c. 395, s. 1, amended

1. The territorial division of Ontario into counties and districts and regional areas shall continue as hereinafter set forth, and subject to sections 4, 5 and 5*a*, for municipal and judicial purposes such counties, and for judicial purposes such districts and regional areas, are respectively composed as follows: Existing organization continued

. . . . . .

(2) Paragraph 22 of the said section 1, as amended by subsections 8 and 9 of section 1 of *The Territorial Division Amendment Act, 1964*, is repealed. R.S.O. 1960, c. 395, s. 1, par. 22, repealed

(3) The said section 1 is further amended by adding thereto the following paragraph: R.S.O. 1960, c. 395, s. 1, amended

23*a*. THE REGIONAL MUNICIPALITY OF NIAGARA consists of the municipalities from time to time included within the Regional Area as defined in *The Regional Municipality of Niagara Act, 1968-69*. Niagara 1968-69, c. 106

(4) Paragraph 26*a* of the said section 1, as enacted by subsection 4 of section 1 of *The Territorial Division Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 395, s. 1, par. 26*a* (1968, c. 135, s. 1, subs. 4), re-enacted

26*a*. THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON consists of the municipalities from time to time included within the Regional Area as defined in *The Regional Municipality of Ottawa-Carleton Act, 1968*. Ottawa-Carleton 1968, c. 115

(5)

R.S.O. 1960, c. 395, s. 1, par. 39, repealed

(5) Paragraph 39 of the said section 1, as amended by subsection 17 of section 1 of *The Territorial Division Amendment Act, 1964* and subsections 8 and 9 of section 1 of *The Territorial Division Amendment Act, 1967*, is repealed.

R.S.O. 1960, c. 395, amended

2. *The Territorial Division Act* is amended by adding thereto the following section:

Niagara Judicial Districts 1968-69, c. 106

5*a*. For judicial purposes, the Regional Area as defined in *The Regional Municipality of Niagara Act, 1968-69* is divided into two judicial districts as follows:

1. The Judicial District of Niagara North composed of all the area of the County of Lincoln as it existed on the 31st day of December, 1969.

2. The Judicial District of Niagara South composed of all the area of the County of Welland as it existed on the 31st day of December, 1969.

Commencement

3.—(1) This Act, except subsections 1, 2, 3 and 5 of section 1 and section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 1, 2, 3 and 5 of section 1 and section 2 come into force on the 1st day of January, 1970.

Short title

4. This Act may be cited as *The Territorial Division Amendment Act, 1968-69*.

CHAPTER 129

An Act to amend The Tile Drainage Act

Assented to June 27th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Tile Drainage Act*, as amended by section 1 of *The Tile Drainage Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 399, s. 1, re-enacted

1. In this Act, Interpretation

(*a*) "drainage work" means a drain to be constructed of stone or timber, or of tile, pipe or tubing of any material;

(*b*) "municipality" means a city, town, village or township.

1*a*.—(1) Subject to sections 64 and 65 of *The Ontario Municipal Board Act*, the council of a municipality may pass by-laws (Form 1) authorizing the borrowing of money for the purposes of the construction of drainage works and the issuance of debentures by the municipality or by a regional municipality on its behalf. Borrowing powers of municipalities R.S.O. 1960, c. 274

(2) Subject to subsections 3 and 4, a municipality or a regional municipality on its behalf may borrow in sums of not less than $2,000 and the total indebtedness of a municipality under this Act shall not exceed $300,000 at any one time, but if the assessment of the whole rateable property in the municipality according to the last revised assessment roll is not less than $3,000,000, its total indebtedness under this Act shall not exceed $500,000 at any one time. Idem

(3) Where a municipality is amalgamated with or annexed to another municipality, the total indebtedness Maximum indebtedness where amalgamation or annexation

edness under this Act of the new municipality or the annexing municipality shall not exceed at any one time the sum of the amounts of indebtedness that the amalgamated municipalities or the annexing and annexed municipalities, as the case may be, could have outstanding under this Act in the year in which the amalgamation or annexation is effective if such amalgamation or annexation had not taken place.

Maximum indebtedness where annexation of part of municipality

(4) Where a municipality annexes part of another municipality, the total indebtedness under this Act of the annexing municipality shall not exceed at any one time the sum of,

(*a*) the amount of indebtedness that the annexing municipality could have outstanding under this Act in the year in which the annexation is effective; and

(*b*) that proportion of the amount of indebtedness that the municipality from which the part was annexed could have outstanding under this Act in the year in which the annexation is effective that is equal to the proportion that the assessment of the rateable property annexed is of the rateable property of the whole of the municipality including that part that was annexed therefrom according to the last revised assessment roll,

if such annexation had not taken place.

Terms of debentures

(5) The debentures (Form 2) shall be payable within ten years from the date of the debentures, shall bear the date in the year in which the money is borrowed from the municipality and shall bear interest at a rate of not less than 3 per cent per annum.

Notice of meeting

(6) It is not necessary to obtain the assent of the electors in the municipality to the passing of a by-law under this Act, but no by-law shall be passed except at a meeting of the municipal council specially called for the purpose of considering it and of which notice has been published in accordance with subsection 7.

(7) A notice (Form 3) of every such meeting shall be published at least once each week for three successive weeks in such newspaper as the council may by resolution direct, and the first publication of the notice shall be not less than four weeks before the holding of the meeting. Idem

2. Section 3 of *The Tile Drainage Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 399, s. 3, re-enacted

3. The debentures may be issued and sold from time to time for the purpose only of lending the proceeds thereof for the construction of drainage works, as provided in this Act, as money is required for the purpose. Application of proceeds

3. Subsection 1 of section 7 of *The Tile Drainage Act* is amended by striking out "tile, stone or timber drainage" in the third line and inserting in lieu thereof "the construction of a drainage work", so that the subsection shall read as follows: R.S.O. 1960, c. 399, s. 7, subs. 1, amended

(1) A person assessed as owner, and being the actual owner of land in the municipality, desiring to borrow money for the purpose of the construction of a drainage work may make application (Form 7) to the council. Application by owner for loan

4. Subsection 1 of section 13 of *The Tile Drainage Act*, as amended by section 2 of *The Tile Drainage Amendment Act, 1966*, is further amended by striking out "tile, stone or timber drainage" in the second line and inserting in lieu thereof "the construction of drainage works", so that the subsection shall read as follows: R.S.O. 1960, c. 399, s. 13, subs. 1, amended

(1) The council shall lend the money so borrowed only for the purpose of the construction of drainage works and for a term of ten years, in sums of $100 or multiples thereof, subject to section 14, as the council may deem proper, to persons entitled to borrow. Application of proceeds of loans

5. Section 20 of *The Tile Drainage Act* is amended by inserting after "municipality" in the fifth line, in the sixth line and in the twelfth line "or regional municipality", so that the section shall read as follows: R.S.O. 1960, c. 399, s. 20, amended

20. The owner of land in respect of which money has been borrowed may at any time obtain the discharge of the indebtedness by paying to the treasurer Discharge of indebtedness by owner

of

of the municipality the amount borrowed, with interest thereon at the rate payable by the municipality or regional municipality to the Treasurer of Ontario or his assignee on the debentures of the municipality or regional municipality that the Treasurer or his assignee holds in respect of the said indebtedness, less any sum already paid on account of principal and interest, and upon the same being paid to the treasurer, he shall forthwith transmit it to the Treasurer of Ontario or his assignee who shall apply it towards payment of the debentures of the municipality or regional municipality.

R.S.O. 1960, c. 399, s. 22, subs. 1, amended

6. Subsection 1 of section 22 of *The Tile Drainage Act* is amended by inserting after "municipality" in the second and third lines "or regional municipality", so that the subsection shall read as follows:

Repayment by municipality to Province

(1) The amount payable in each year for principal and interest shall be remitted by the treasurer of the municipality or regional municipality to the Treasurer of Ontario or his assignee within one month after it became payable, together with interest at the rate of 7 per cent per annum during the time of any default in payment.

R.S.O. 1960, c. 399, Form 1, amended

7. Form 1 of *The Tile Drainage Act* is amended by striking out "tile, stone or timber drain" in the third line of item 2 and inserting in lieu thereof "drainage work".

R.S.O. 1960, c. 399, Form 2, amended

8. Form 2 of *The Tile Drainage Act* is amended by striking out "tile, (*stone or timber*) drains" in the eleventh line and inserting in lieu thereof "drainage works".

R.S.O. 1960, c. 399, Form 6, amended

9. Form 6 of *The Tile Drainage Act* is amended by striking out "tile, stone or timber drains" in the fourth line of item 1 and inserting in lieu thereof "drainage works".

R.S.O. 1960, c. 399, Form 7, amended

10. Form 7 of *The Tile Drainage Act* is amended by inserting after "tile" in the seventh line and in the ninth line "pipe or tubing".

Commencement

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Tile Drainage Amendment Act, 1968-69*.

CHAPTER 130

An Act to amend The Tobacco Tax Act, 1965

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 2 of *The Tobacco Tax Act, 1965*, as re-enacted by section 1 of *The Tobacco Tax Amendment Act, 1968*, is repealed and the following substituted therefor: 1965, c. 130, s. 2, subs. 1 (1968, c. 137, s. 1) cl. *a*, re-enacted

(*a*) four-tenths of 1 cent on every cigarette purchased by him.

2. This Act shall be deemed to have come into force on the 5th day of March, 1969. Commencement

3. This Act may be cited as *The Tobacco Tax Amendment Act, 1968-69*. Short title

CHAPTER 131

An Act to incorporate The Toronto Hospitals Steam Corporation

Assented to December 17th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Board" means the board of directors of the Corporation;

(*b*) "Commission" means the Ontario Hospital Services Commission;

(*c*) "Corporation" means the Toronto Hospitals Steam Corporation;

(*d*) "debentures" includes bonds, notes and other securities;

(*e*) "Minister" means the Minister of Health or such other member of the Executive Council as the Lieutenant Governor in Council designates.

Toronto Hospitals Steam Corporation incorporated

2. There is hereby created a corporation without share capital under the name "Toronto Hospitals Steam Corporation" consisting of eight directors of whom,

(*a*) two directors shall be appointed by The Trustees of the Toronto General Hospital;

(*b*) two directors shall be appointed by The Hospital for Sick Children;

(*c*) two directors shall be appointed by New Mount Sinai Hospital; and

(*d*) two directors shall be appointed by Women's College Hospital.

3.

First appointments

3.—(1) The first appointments of directors under section 2 shall be made within thirty days after the day this Act comes into force.

Term of office

(2) Every person appointed to the Board shall hold office during the pleasure of his appointor, and upon the death, resignation or removal from office of any director, the appointor of such director under section 2 may appoint some other person in his place.

President

(3) The directors shall elect a president of the Corporation from among themselves.

Duties of president

(4) The president shall preside at all meetings of the Board.

Idem

(5) In the case of an equality of votes at any meeting of the Board, the president, in addition to his original vote, shall have a second or casting vote.

Vice-president

(6) The Board may appoint one of its members to be vice-president, and, in the case of the absence of the president or of there being a vacancy in the office of the president, the vice-president shall act as and have all the powers of the president.

Remuneration and expenses

(7) The directors shall serve as such without remuneration and no director shall, directly or indirectly, receive any profit from his position as such, but a director may be paid reasonable expenses incurred by him in the performance of his duties.

Vacancies

(8) Where there is a vacancy or vacancies in the Board, the remaining directors may exercise all the powers of the Board so long as a quorum of the Board remains in office.

Validity of acts of directors, etc.

4. The acts of a director or of an officer are valid notwithstanding any defect that may afterwards be discovered in his appointment or qualification.

Director indemnified in suits respecting execution of his office

5. Every director and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the Board, from time to time and at all times, be indemnified and saved harmless out of the funds of the Corporation, from and against,

(*a*) any liability and all costs, charges and expenses that he sustains or incurs in respect of any action or proceeding that is proposed or commenced against

him

him for or in respect of anything done or permitted by him in respect of the execution of the duties of his office; and

(*b*) all other costs, charges and expenses that he sustains or incurs in respect of the affairs of the Corporation, except such costs, charges or expenses as are occasioned by his own wilful neglect or default.

Executive committee

6.—(1) The Board may authorize the election from among the directors of an executive committee consisting of not fewer than three members, and delegate to the executive committee any powers of the Board, subject to the restrictions, if any, imposed by the Board.

Quorum

(2) An executive committee may fix its quorum at not fewer than a majority of its members and may make rules governing its proceedings.

Powers and duties of Board

7.—(1) The Board has the management and control of the affairs of the Corporation and has power to make by-laws, not contrary to law or the provisions of this Act, governing its proceedings and the calling of and the quorum at meetings of the Board, providing for the appointment of other officers of the Corporation, specifying the powers, duties and remuneration of officers, employees and agents of the Corporation and generally dealing with the management of the affairs of the Corporation.

Changes required by Commission

(2) The Corporation shall pass, amend or revise its by-laws as required by the Commission after receiving notice to do so.

Approval by Commission

(3) No by-law or amendment to or revision of a by-law has any force or effect until it is approved by the Lieutenant Governor in Council upon the recommendation to the Minister by the Commission.

Authentication of by-laws, etc.

8. A copy of any by-law, resolution or minute certified by the secretary or assistant secretary under the seal of the Corporation to be a true copy may be received in evidence in any court as *prima facie* proof of its making and content.

Application of R.S.O. 1960, cc. 71, 255, 52, 246

9.—(1) *The Corporations Act*, *The Municipal Franchises Act*, *The Charities Accounting Act* and *The Mortmain and Charitable Uses Act* do not apply to the Corporation.

Application of R.S.O. 1960, c. 335, ss. 55, 58

(2) Sections 55 and 58 of *The Public Utilities Act* do not apply to the Corporation.

Hospital lands leased to Corporation

(3) Any lands owned by a hospital referred to in section 2 and leased to the Corporation shall be deemed to be land necessary for the actual use and occupation of the hospital and *The Mortmain and Charitable Uses Act* does not apply in respect of such lands.

R.S.O. 1960, c. 246

Objects

10.—(1) The objects of the Corporation are and the Corporation has power to construct or otherwise acquire, own, maintain, operate and manage a steam plant and distribution system within the City of Toronto for the purpose of supplying steam to the public hospitals referred to in section 2 and to any other charitable, educational or public institution, but any agreement entered into by the Corporation for the supply of steam to any such hospital or institution is subject to the approval of the Commission.

Charitable purposes

(2) The objects of the Corporation shall be deemed to be exclusively for charitable purposes.

Powers

11. The powers of the Corporation include, without limiting the generality of section 10,

(*a*) subject to subsection 2 of section 9, the powers conferred on a company incorporated for the purpose of owning, operating or supplying a public utility under *The Public Utilities Act*, provided,

R.S.O. 1960, c. 335

(i) the Corporation shall notify in writing the municipality or authority on which duty to repair has been imposed and the municipality or authority having jurisdiction over any highway, public lane or public communication on, over, under or across which the Corporation proposes to put down, place, install and maintain conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works, and submit to such municipalities or authorities its plans therefor,

(ii) such conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works as the Corporation deems necessary or desirable on, over, under or across any public highway, public lane or public communication shall be put down, placed and installed in such location and manner as the municipality or authority on which duty to repair has been

imposed

imposed and the municipality or authority having jurisdiction over any such highway, lane or public communication may direct any such highway, lane or public communication restored to its former state, and any dispute between the Corporation and such municipalities or authorities as to the location and manner of putting down, placing and installing shall be referred to the Ontario Municipal Board to be determined, and the decision of the Ontario Municipal Board shall be final,

(iii) the Corporation shall indemnify and save harmless the municipality or authority on which duty to repair has been imposed and the municipality or authority having jurisdiction over any such highway, lane or public communication against, from and for any and all damages, claims, losses, costs and expenses sustained or incurred by reason of the negligent use, operation, maintenance, installation, placing and putting down of the conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works by the Corporation, its agents, servants, employees, contractors and subcontractors;

(*b*) power to draw, make, accept, endorse, discount, execute and issue bills of exchange, promissory notes, warrants and other negotiable or transferable instruments;

(*c*) power to acquire by purchase, lease or otherwise and to hold and enjoy any property or interest therein whatsoever, whether real or personal, and to sell, grant, convey, assign, transfer, lease, mortgage, charge, pledge or otherwise dispose of or encumber any such property or interest or any part thereof from time to time as the occasion may require, and to acquire other property or interest therein, in addition thereto or in place thereof;

(*d*) power to enter into any agreement or arrangement with any person for the management in whole or in part of its undertaking;

(*e*) power to invest and deal with the moneys of the Corporation not immediately required for its objects in such manner as may be determined;

(*f*) power to pay all costs and expenses of or incidental to the creation and organization of the Corporation, and to pay or reimburse any of the public hospitals referred to in section 2 for all costs and expenses incurred by them or any of them at any time prior to the creation of the Corporation in connection with the establishment of a central hospital steam plant;

(*g*) power to do any of the above things and all things authorized as principal, agent, contractor, trustee or otherwise, and either alone or in conjunction with others.

Borrowing

12.—(1) The Corporation may from time to time for any of the purposes of the Corporation borrow by way of loan from any chartered bank or from any person such sums as the Corporation considers necessary, either by way of bank overdraft or by loan in any other manner with the approval of the Commission.

Execution of cheques, etc.

(2) Any cheques, promissory notes or other instruments that may be necessary or desirable for the purpose of subsection 1 may be executed in such manner as the Board may determine.

Issue of debentures

13.—(1) Subject to the approval of the Lieutenant Governor in Council upon the recommendation to the Minister by the Commission, the Board may authorize the borrowing from time to time by the issue and sale of debentures of the Corporation of such sums of money as the Board considers necessary for any of the purposes of the Corporation, and may mortgage, charge, pledge and otherwise encumber all or any part of the property of the Corporation, whether real or personal, present or future, including its book debts, rights, powers, franchises and undertaking, to secure any such debentures.

Terms of debentures

(2) The debentures of the Corporation may bear interest at such rate or rates and may be payable as to principal and interest in such currency or currencies and at such place or places in Canada or elsewhere and at such time or times and in such manner as the Corporation may determine, and any such securities may be made redeemable in advance of their regular maturity date at such time or times, at such price or prices and on such terms and conditions as may be provided in the by-law or resolution of the Board authorizing the issue thereof.

Sale of debentures

(3) Subject to the approval of the Lieutenant Governor in Council upon the recommendation to the Minister by the Commission, the Corporation may sell or otherwise dispose

of

of any such debentures either at the principal amount or at less or more than the principal amount and upon such terms and conditions as the Board may determine and the Corporation may charge, pledge, hypothecate or otherwise deal with any such debentures as collateral security.

Necessity for debentures

(4) A recital or declaration in any by-law or resolution of the Board authorizing the issue and sale of debentures of the Corporation to the effect that it is necessary to issue and sell debentures for the purposes of the Corporation in the amount so authorized is conclusive evidence of the fact.

Form of debentures

(5) The debentures of the Corporation and the interest coupons, if any, attached thereto shall be in such form or forms and shall be executed in such manner as the Board may determine.

Execution of debentures

(6) The Board may provide that the seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any debenture to which it is to be affixed and that any signature upon any debenture and upon the coupons, if any, attached thereto may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Idem

(7) The seal of the Corporation when so mechanically reproduced has the same force and effect as if manually affixed and such mechanically reproduced signatures are for all purposes valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office before the date of the debentures or before the issue thereof.

Trustee investments

14. The debentures of the Corporation are securities in which trust funds may lawfully be invested in Ontario.

Exemption from taxation

15.—(1) The property vested in the Corporation and any lands and premises leased to and occupied by the Corporation shall not be liable to taxation or other imposition for municipal or school purposes, so long as the same are actually used and occupied for the purposes of the Corporation.

Effect of exemption

(2) An exemption from taxes under this section shall be deemed to have the same effect as an exemption from taxes under section 3 of *The Assessment Act*, 1968-69, or any predecessor thereof. 1968-69 c. 6

Non-profit

16. The Corporation shall be carried on without the purpose of gain and any profits or other accretions to the Corporation shall be used for promoting its objects.

Dissolution

17. Upon the dissolution of the Corporation and after payment of or due provision for any debts, obligations and liabilities, its property shall be distributed or disposed of as the Minister may direct.

Annual report

18.—(1) The Corporation shall make a report to the Commission upon the affairs of the Corporation in such form as the Commission requires for each fiscal year of the Corporation within three months after the end of that fiscal year or for such other periods and within such other time or times as the Commission requires.

Commission may request change in management

(2) Upon the written request of the Commission, the Corporation shall make or cause to be made such changes in the management and operation of the Corporation as the Commission may require.

Inspection of plant by Commission

19. The Corporation shall allow the Commission or its representatives at all reasonable times access to the steam plant to view the state and condition of the steam plant.

Commencement

20. This Act comes into force on the day it receives Royal Assent.

Short title

21. This Act may be cited as *The Toronto Hospitals Steam Corporation Act, 1968-69.*

CHAPTER 132

An Act respecting The Toronto Stock Exchange

Assented to June 18th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Corporation" means The Toronto Stock Exchange;

(*b*) "exchange" means the stock exchange operated by the Corporation;

(*c*) "public director" means a member of the board of directors of the Corporation elected under subsection 2 of section 7.

Corporation continues

2. The Toronto Stock Exchange, incorporated by *An Act to incorporate the Toronto Stock Exchange*, being chapter 65 of the Statutes of Ontario, 1878, is continued as a corporation without share capital under the name of "The Toronto Stock Exchange".

Head office

3. The head office of the Corporation shall be situate in The Municipality of Metropolitan Toronto.

Object

4.—(1) The object of the Corporation is to operate a stock exchange in Ontario for trading by the members of the Corporation and other persons authorized under subsection 2.

Trading by non-members

(2) The board of directors may authorize persons other than members to trade on the exchange subject to such conditions as are imposed by the board of directors.

Compliance with 1966, c. 142

(3) The Corporation shall operate the exchange in a manner that does not contravene the requirements of *The Securities Act, 1966* and the regulations, directions, orders, determinations or rulings made thereunder, and the Corporation may impose any additional or higher requirement within its jurisdiction.

5.

Non-profit

5. The Corporation shall be carried on without the purpose of gain for its members and any profits or other accretions to the Corporation shall be used in promoting its object.

Board of directors

6.—(1) The affairs of the Corporation shall be managed by a board of directors, who may be referred to as governors, consisting of,

(*a*) the President of the Corporation;

(*b*) two public directors; and

(*c*) ten persons elected under subsection 3 of section 7.

Vacancies

(2) Notwithstanding any vacancy in the board of directors, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office.

President

7.—(1) The President shall be appointed by the board of directors and may be removed from office by the board of directors only by a vote of two-thirds of the directors then in office.

Public directors

(2) The public directors shall be elected by the board of directors within one month after the coming into force of this Act and thereafter annually by the board of directors at the first meeting of the board following the annual meeting of the Corporation, to hold office until the next annual meeting of the Corporation and any vacancy occurring among the public directors may be filled by the election of another person for the remainder of the term by the directors then in office, but no person is eligible to be elected as a public director if he is a member of the Corporation and unless his nomination for such election has been approved by the Lieutenant Governor in Council on the recommendation of the President.

Elected directors

(3) The directors other than the President and public directors shall be elected by the members yearly in such manner as the by-laws of the Corporation provide.

Transitional board

(4) The directors of the Corporation in office immediately before this Act comes into force shall be deemed to be the directors elected under subsection 3 and shall remain in office until the first annual meeting of the Corporation held after this Act comes into force.

Idem

(5) The President shall be appointed in accordance with this Act within three months after this Act comes into force.

Appointment of officers

8.—(1) All officers of the Corporation other than the chairman of the board of directors, the vice-chairman of the

board of directors, the President, the secretary and the treasurer shall be appointed by the board of directors with the approval of the President.

Certain officers not to be members

(2) No officers of the Corporation other than the chairman of the board of directors, the vice-chairman of the board of directors, the secretary and the treasurer shall be members of the Corporation.

Certain officers not to be directors

(3) No officers of the Corporation other than the President, the chairman of the board of directors, the vice-chairman of the board of directors, the secretary and the treasurer shall be directors of the Corporation.

Duties of President

9. The President shall be the chief executive officer and chief administrative officer of the Corporation.

Powers of board of directors

10.—(1) For the purposes of the object of the Corporation, the board of directors has the power to govern and regulate,

(*a*) the exchange;

(*b*) the partnership and corporate arrangements of the members and other persons authorized to trade on the exchange, including requirements as to financial condition;

(*c*) the business conduct of members and other persons authorized to trade on the exchange and of their employees and agents and other persons associated with them in the conduct of business,

and, in the exercise of such powers and in addition to their power to pass by-laws under Part III of *The Corporations Act*, the board of directors may pass such by-laws and make such rules and regulations and issue such orders and directions pursuant to such by-laws as it considers necessary for the purpose, including the imposition of penalties and forfeitures for the breach of any such by-law, rule, regulation, direction or order.

R.S.O. 1960, c. 71

By-laws continued

(2) The by-laws of the Corporation existing immediately before this Act comes into force continue in full force and effect for a period of six months after this Act comes into force or until they are re-enacted or repealed, whichever occurs first.

Application of R.S.O. 1960, c. 71

11. *The Corporations Act*, except sections 114 and 323, apply to the Corporation, except,

(*a*) to the extent that the provisions thereof are inconsistent with this Act;

(*b*) that a public director may not be removed from office under section 66 of that Act; and

(*c*) that the by-laws of the Corporation may,

(i) fix the class or classes of persons who may be appointed by a proxy to attend and act at meetings of members as nominees of members provided that one such class shall be members,

(ii) provide for and regulate the admission of members, including the requiring of approval by the directors or members, or both, at meetings or individually, and the manner in which such approval is to be given, and

(iii) fix the quorum for meetings of the board at five or any larger number of directors as specified in the by-law.

Powers of Ontario Securities Commission 1966, c. 142

12. Nothing in this Act shall be construed to derogate from the powers of the Ontario Securities Commission under *The Securities Act, 1966* or any other Act.

Repeals

13.—(1) The following Acts are repealed:

1878, c. 65

(*a*) *An Act to incorporate the Toronto Stock Exchange*, being chapter 65 of the Statutes of Ontario, 1878;

1902, c. 106

(*b*) *An Act to amend the Act of Incorporation of The Toronto Stock Exchange*, being chapter 106 of the Statutes of Ontario, 1902; and

1912, c. 153

(*c*) *An Act to amend the Act of Incorporation of the Toronto Stock Exchange*, being chapter 153 of the Statutes of Ontario, 1912.

Supplementary letters patent cancelled

(2) The supplementary letters patent dated the 7th day of July, 1941 issued to the Toronto Stock Exchange are cancelled.

Commencement

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. This Act may be cited as *The Toronto Stock Exchange Act, 1968-69*.

CHAPTER 133

An Act to amend The Trade Schools Regulation Act

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 11 of *The Trade Schools Regulation Act* is amended by adding at the end thereof "and providing for the forfeiture of such security or a part thereof and for the disposition of the proceeds", so that the clause shall read as follows: R.S.O. 1960, c. 403, s. 11, cl. *a*, amended

(*a*) prescribing the security to be provided by the keeper or operator of any trade school for the due performance of his contracts and providing for the forfeiture of such security or a part thereof and for the disposition of the proceeds.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Trade Schools Regulation Amendment Act, 1968-69.* Short title

CHAPTER 134

An Act to amend The Trustee Act

Assented to October 31st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 27 of *The Trustee Act* is amended by striking out "the Supreme Court may, if it thinks fit, by order authorize" in the second and third lines and by striking out "to" in the third line and inserting in lieu thereof "may", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 408, s. 27, subs. 1, amended

(1) In addition to the investments authorized by section 26, a trustee holding trust money for investment may invest such moneys in the following classes of investments, but only if the investment is in other respects reasonable and proper and is made in accordance with subsections 2, 3 and 4, Other investments authorized

. . . . . .

2.—(1) Subsection 1 of section 30 of *The Trustee Act*, as amended by subsection 1 of section 1 of *The Trustee Amendment Act, 1961-62*, is further amended by striking out "two-thirds" in the amendment of 1961-62 and inserting in lieu thereof "three-fourths", so that the subsection shall read as follows: R.S.O. 1960, c. 408, s. 30, subs. 1, amended

(1) A trustee lending money upon the security of any property upon which he may lawfully lend is not chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property at the time when the loan was made, if it appears to the court that in making the loan the trustee was acting upon a report as to the value of the property made by a person whom the trustee reasonably believed to be a competent valuator, instructed and employed independently of any owner of the property, whether such valuator When trustee not chargeable for lending on insufficient security

carried

carried on business in the locality where the property is situate or elsewhere, and that the amount of the loan does not exceed three-fourths of the value of the property as stated in the report and that it was made under the advice of the valuator expressed in the report.

R.S.O. 1960, c. 408, s. 30, subs. 2 (1961-62, c. 140, s. 1, subs. 2), amended

(2) Subsection 2 of the said section 30, as enacted by subsection 2 of section 1 of *The Trustee Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the fifth and sixth lines and inserting in lieu thereof "three-fourths", so that the subsection shall read as follows:

on N.H.A. mortgages

1953-54, c. 23 (Can.)

(2) Notwithstanding subsection 1, a trustee lending money on a mortgage security, if the loan is an insured loan under the *National Housing Act, 1954* (Canada), is not chargeable with breach of trust by reason only that the amount of the loan exceeds three-fourths of the value of the property mortgaged.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Trustee Amendment Act, 1968-69*.

CHAPTER 135

An Act to amend The Upholstered and Stuffed Articles Act, 1968

Assented to October 31st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Upholstered and Stuffed Articles Act, 1968* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses: 1968, c. 140, s. 1, subs. 1, amended

(*a*) "Department" means the Department of Financial and Commercial Affairs;

. . . . . .

(*ba*) "Minister" means the Minister of Financial and Commercial Affairs;

. . . . . .

(*da*) "registered" means registered under this Act;

. . . . . .

(*ja*) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*. 1966, c. 41

2. *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following section: 1968, c. 140, amended

2*a*.—(1) There shall be a Registrar of Upholstered and Stuffed Articles who shall be appointed by the Lieutenant Governor in Council. Registrar

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. Duties of Registrar

3.

1968, c. 140, s. 4, subs. 2, re-enacted

3. Subsection 2 of section 4 of *The Upholstered and Stuffed Articles Act, 1968* is repealed and the following substituted therefor:

Refusal of registration

(2) The Registrar may refuse to grant registration where,

(*a*) the applicant;

(*b*) a member of the applicant, where the applicant is an association or partnership; or

(*c*) an officer or director of the applicant, where the applicant is a corporation,

was a registrant, or member, officer or director of a registrant, whose registration has been cancelled, unless the Registrar is satisfied that material circumstances have changed.

1968, c. 140, s. 5, repealed

4. Section 5 of *The Upholstered and Stuffed Articles Act, 1968* is repealed.

1968, c. 140, s. 6, subs. 1, repealed

5. Subsection 1 of section 6 of *The Upholstered and Stuffed Articles Act, 1968* is repealed.

1968, c. 140, s. 7, amended

6.—(1) Section 7 of *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following subsection:

Request to indicate nature of inquiry

(1*a*) The request under subsection 1 shall indicate the general nature of the inquiry involved.

1968, c. 140, s. 7, subs. 2, amended

(2) Subsection 2 of the said section 7 is amended by striking out "of and shall be given free access to the books, documents, records and premises of any registrant" in the third, fourth and fifth lines and inserting in lieu thereof "in relation to the complaint", so that the subsection shall read as follows:

Idem

(2) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time make an inspection in relation to the complaint.

1968, c. 140, amended

7. *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following sections:

Inspection

7*a*. Where the Registrar has reasonable and probable grounds to believe that any person is acting as a manufacturer or renovator while unregistered, the Registrar or any person designated by him in writing,

may

may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3.

Powers on inspection

7b.—(1) Upon an inspection under section 7 or 7*a*, the person inspecting,

(*a*) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and

(*b*) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility of copies

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original.

8. Section 8 of *The Upholstered and Stuffed Articles Act, 1968* is repealed and the following substituted therefor:

1968, c. 140, s. 8, re-enacted

Suspension and revocation

8.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration where the registrant has contravened this Act or the regulations and has refused to comply with this Act or the regulations after being requested to do so by the Registrar in writing.

Voluntary cancellation

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

9. Sections 9, 10, 11, 12 and 13 of *The Upholstered and Stuffed Articles Act, 1968* are repealed and the following substituted therefor:

1968, c. 140, ss. 9-13, re-enacted

Hearing by Tribunal

9.—(1) Where the Registrar refuses to issue a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

Notice of hearing

(2) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Idem

(3) The notice of hearing shall contain,

(*a*) a statement of the time and place of the hearing;

(*b*) a statement of the statutory power under which the hearing is being held;

(*c*) a reference to the rules of procedure applicable to the hearing;

(*d*) a concise statement of the issues; and

(*e*) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings.

Parties

10.—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Failure to attend

(2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence.

Adjournment

11.—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,

(*a*) on its own motion; or

(*b*) on the motion of any party to the hearing.

Subpoenas

(2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.

(3) The Tribunal may require any person, Oaths

(*a*) to give evidence on oath at a hearing; and

(*b*) to produce such documents and things as the Tribunal requires.

(4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*. Objection re self-incrimination R.S.O. 1960, c. 125 R.S.C. 1952, c. 307

(5) The Tribunal may admit evidence not given under oath. Idem

(6) Any person who, without lawful excuse, Offences

(*a*) on being duly summoned as a witness before the Tribunal, makes default in attending;

(*b*) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or

(*c*) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

(7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. Enforcement

12. Any party may be represented before the Tribunal by counsel or agent. Right of party to counsel

13.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel

Exclusion of counsel

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.

Right of parties at hearing

13*a*. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Hearings to be open to public; exceptions

13*b*.—(1) All hearings shall be open to the public except where the Tribunal finds that,

(*a*) public security may be involved; or

(*b*) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

Idem

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions.

Release of exhibits

13*c*. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined.

Specialized knowledge

13*d*.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.

Notice

(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.

Contents and service of notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties.

Record

13*e*. All oral evidence received by the Tribunal shall be taken down in writing and together with,

(*a*) the notice of hearing;

(*b*) any rulings or orders made in the course of the proceedings of the Tribunal;

(*c*) any written submissions received by the Tribunal; and

(*d*) the decision and the reasons therefor,

form the record.

Decision of Tribunal

13*f*.—(1) The Tribunal may, after the hearing,

(*a*) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar; or

(*b*) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision to be in writing

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of reasons for decision

(3) The reasons for the final decision shall contain,

(*a*) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(*b*) any agreed findings of facts; and

(*c*) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of decision

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal.

Enforcement of decisions

13*g*. A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court

whereupon

whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Appeal to Court of Appeal

13*h*.—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

Counsel

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.

Decision of court

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

Idem

(4) The decision of the Court of Appeal is final.

Stay

13*i*. An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately, but the Tribunal may grant a stay until the order becomes final.

1968, c. 140, s. 19, subs. 3, amended

10.—(1) Subsection 3 of section 19 of *The Upholstered and Stuffed Articles Act, 1968* is amended by striking out "Director" in the second line and in the third line and inserting in lieu thereof in each instance "Tribunal" and by adding at the end thereof "and in relation to the practice and procedure on the appeal, the provisions of sections 10, 11, 12, 13, 13*a*, 13*b*, 13*c* and 13*d* apply *mutatis mutandis*", so that the subsection shall read as follows:

Appeal

(3) Where a person deems himself aggrieved by an order under subsection 2, he may appeal therefrom to the Tribunal by filing with the Tribunal a notice of appeal within five days after service of the order appealed against, and in relation to the practice and procedure on the appeal, the provisions of sections 10, 11, 12, 13, 13*a*, 13*b*, 13*c* and 13*d* apply *mutatis mutandis*.

(2) Subsection 5 of the said section 19 is amended by striking out "Director" in the second line and in the fourth line and inserting in lieu thereof in each instance "Tribunal". 1968, c. 140, s. 19, subs. 5, amended

11. Section 23 of *The Upholstered and Stuffed Articles Act, 1968* is repealed. 1968, c. 140, s. 23, repealed

12. *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following sections: 1968, c. 140, amended

24*a*.—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department. Service

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing. Idem

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal. Exception

24*b*.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit. Restraining orders

(2) An appeal lies to the Court of Appeal from an order made under subsection 1. Appeal

13.—(1) Subsection 3 of section 25 of *The Upholstered and Stuffed Articles Act, 1968* is amended by striking out "three" in the second line and inserting in lieu thereof "two", so that the subsection shall read as follows: 1968, c. 140, s. 25, subs. 3, amended

(3) No proceeding under clause *a* or *b* of subsection 1 shall be instituted more than two years after the time when the subject-matter of the proceeding arose. Limitation

1968, c. 140, s. 25, subs. 4, amended

(2) Subsection 4 of the said section 25 is amended by striking out "Registrar" in the fourth line and inserting in lieu thereof "Director".

1968, c. 140, s. 27, amended

14. Section 27 of *The Upholstered and Stuffed Articles Act, 1968* is amended by striking out "Registrar" in the eleventh line and in the twelfth line and inserting in lieu thereof in each instance "Director".

1968, c. 140, s. 28, cl. *a*, re-enacted

15.—(1) Clause *a* of section 28 of *The Upholstered and Stuffed Articles Act, 1968* is repealed and the following substituted therefor:

(*a*) governing applications for registration or renewal of registration and prescribing terms and conditions of registration.

1968, c. 140, s. 28, amended

(2) The said section 28 is amended by adding thereto the following clauses:

(*i*) requiring registrants to make returns and furnish information to the Registrar;

(*j*) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;

(*k*) prescribing further procedures respecting the conduct of matters coming before the Tribunal;

(*l*) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof.

Unfinished proceedings

16. This Act does not apply in respect of any proceeding or prosecution commenced before this Act comes into force.

Commencement

17. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

18. This Act may be cited as *The Upholstered and Stuffed Articles Amendment Act, 1968-69*.

CHAPTER 136

The Used Car Dealers Act, 1968-69

Assented to October 31st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Department" means the Department of Financial and Commercial Affairs;

(*b*) "Director" means the Director of the Consumer Protection Division of the Department;

(*c*) "Minister" means the Minister of Financial and Commercial Affairs;

(*d*) "prescribed" means prescribed by this Act or the regulations;

(*e*) "registered" means registered under this Act;

(*f*) "Registrar" means the Registrar of Used Car Dealers and Salesmen;

(*g*) "regulations" means the regulations made under this Act;

(*h*) "salesman" means a person employed, appointed or authorized by a dealer to buy or sell used cars on the dealer's behalf;

(*i*) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*; 1966, c. 41

(*j*) "used car" means a motor vehicle, as defined in *The Highway Traffic Act*, that has been driven for any purpose other than delivery to a dealer and servicing; R.S.O. 1960, c. 172

(*k*)

(*k*) "used car dealer" means a person who carries on the business of buying or selling used cars, whether for his own account or the account of any other person, or who holds himself out as carrying on the business of buying or selling used cars. 1964, c. 121, s. 1; 1967, c. 104, s. 1 (1), *amended*.

Registrar

2.—(1) There shall be a Registrar of Used Car Dealers and Salesmen who shall be appointed by the Lieutenant Governor in Council. *New*.

Duties of Registrar

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. 1964, c. 121, s. 2, *amended*.

Registration required

3.—(1) No person shall,

(*a*) carry on business as a used car dealer unless he is registered under this Act; or

(*b*) act as a salesman of or on behalf of a used car dealer unless he is registered as a salesman of such dealer and such dealer is registered as a used car dealer under this Act.

Representation

(2) No person shall publish or cause to be published any representation that he is registered under this Act. 1964, c. 121, s. 3.

Name and place of business

(3) A registered used car dealer shall not carry on business in a name other than the name in which it is registered or invite the public to deal at a place other than that authorized by the registration. *New*.

Dealer to ensure salesmen registered

4. A used car dealer shall not retain the services of a salesman who is not registered under this Act. 1967, c. 104, s. 2.

Registration

5.—(1) An applicant is entitled to registration or renewal of registration except where,

(*a*) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;

(*b*) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted; or

(*c*) the applicant is or proposes to be in contravention of this Act or the regulations.

Conditions of registration

(2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations. 1964, c. 121, s. 4 (1), *amended*.

Revocation

6.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a condition of the registration.

Voluntary cancellation

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. 1964, c. 121, s. 4 (2, 3), *amended*.

Hearing by Tribunal

7.—(1) Where the Registrar refuses to issue or renew a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

Stay of refusal to renew

(2) Where the Registrar refuses to renew a registration, the applicant shall be deemed to continue to be registered until an order is made by the Tribunal or until the time for requiring a hearing by the Tribunal expires, whichever occurs first.

Notice of hearing

(3) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Idem

(4) The notice of hearing shall contain,

(*a*) a statement of the time and place of the hearing;

(*b*) a statement of the statutory power under which the hearing is being held;

(*c*) a reference to the rules of procedure applicable to the hearing;

(*d*) a concise statement of the issues; and

(*e*) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings. *New*.

Parties

8.—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Failure to attend

(2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence. *New.*

Adjournment

9.—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,

(*a*) on its own motion; or

(*b*) on the motion of any party to the hearing.

Subpoenas

(2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.

Oaths

(3) The Tribunal may require any person,

(*a*) to give evidence on oath at a hearing; and

(*b*) to produce such documents and things as the Tribunal requires.

Objection re self-incrimination R.S.O. 1960, c. 125 R.S.C. 1952, c. 307

(4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act.*

Idem

(5) The Tribunal may admit evidence not given under oath.

Offences

(6) Any person who, without lawful excuse,

(*a*) on being duly summoned as a witness before the Tribunal, makes default in attending; or

(*b*) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or

(*c*) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

Enforcement

(7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who

may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. *New.*

Right of party to counsel

10. Any party may be represented before the Tribunal by counsel or agent. *New.*

Right of witness to counsel

11.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Exclusion of counsel

(2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. *New.*

Right of parties at hearing

12. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. *New.*

Hearings to be open to public; exceptions

13.—(1) All hearings shall be open to the public except where the Tribunal finds that,

(*a*) public security may be involved; or

(*b*) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

Idem

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. *New.*

Release of exhibits

14. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. *New.*

Specialized knowledge

15.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.

Notice

(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.

Contents and service of notice

(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. *New.*

Record

16. All oral evidence received by the Tribunal shall be taken down in writing and together with,

(*a*) the notice of hearing;

(*b*) any rulings or orders made in the course of the proceedings of the Tribunal;

(*c*) any written submissions received by the Tribunal; and

(*d*) the decision and the reasons therefor,

form the record. *New.*

Decision of Tribunal

17.—(1) The Tribunal may, after the hearing,

(*a*) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;

(*b*) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision to be in writing

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of reasons for decision

(3) The reasons for the final decision shall contain,

(*a*) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(*b*) any agreed findings of facts; and

(*c*) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal. *New.* Notice of decision

18. A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such. *New.* Enforcement of decisions

19.—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. Appeal to Court of Appeal

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. Counsel

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. Decision of court

(4) The decision of the Court of Appeal is final. *New.* Idem

20. An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately but the Tribunal may grant a stay until the order becomes final. *New.* Stay

21. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. 1964, c. 121, s. 17 (6), *part*, *amended.* Further applications

22.—(1) Where the Registrar receives a complaint in respect of a used car dealer and so requests in writing, the used car dealer shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires. Investigation of complaints

(2) The request under subsection 1 shall indicate the nature of the inquiry involved. Idem

(3)

Idem

(3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the used car dealer to make an inspection in relation to the complaint. 1964, c. 121, s. 10, *amended*.

Inspection

23.—(1) The Registrar or any person designated by him in writing may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a used car dealer or salesman while unregistered, the Registrar or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3. *New*.

Powers on inspection

24.—(1) Upon an inspection under section 22 or 23, the person inspecting,

(*a*) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and

(*b*) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility of copies

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original. *New*.

Investigations

25.—(1) Where, upon a statement made under oath, it appears probable to the Director that any person has,

(*a*) contravened any of the provisions of this Act or the regulations; or

(*b*) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act, 1953-54, c. 51 (Can.)

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulations or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

Investigation by order of Minister

(2) Notwithstanding subsection 1, the Minister may by order appoint one or more persons to make an investigation into any matter to which this Act applies and the person appointed shall report the result of his investigation to the Minister.

Scope of investigation

(3) For the purpose of any investigation ordered under this section, any person appointed to make the investigation may at any reasonable time enter upon the business premises and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or in connection with such person and into any property, assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the investigation.

Removal of records

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove any document or record relating to the person whose affairs are being investigated and that relate to the subject-matter of the investigation, for the purpose of making a copy of such document or record, provided that such copying is carried out with reasonable dispatch and the document or record in question is promptly thereafter returned to the person whose affairs are being investigated.

Admissibility of copies

(5) Any copy made as provided in subsection 4 and purporting to be certified by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original document or record.

Appointment of experts

(6) The Minister or Director may appoint any expert to examine documents, records, properties and matters of any person whose affairs are being investigated under this Act.

Evidence by witness

(7) The investigator may, in the prescribed form, command the attendance before him of any person as a witness and subsections 2 to 6 of section 9 and section 11 apply to the investigator and witness in the same manner as to the Tribunal and witnesses before it. 1964, c. 121, s. 11; 1967, c. 104, s. 5 (1), *amended*.

Confidentiality

(8) No person, without the consent of the Minister, shall disclose, except to his counsel, any information or evidence obtained in the course of an investigation made under this section or the name of any witness examined or sought to be examined in such investigation. 1964, c. 121, s. 13, *amended*.

Report

26. Where, upon the report of an investigation made under subsection 1 of section 25, it appears to the Director that a person may have,

(*a*) contravened any of the provisions of this Act or the regulations; or

1953-54, c. 51 (Can.)

(*b*) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for registration under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister. 1964, c. 7, s. 9, *part*, *amended*.

Order to refrain from dealing with assets

27.—(1) The Director may,

(*a*) after an investigation of any person has been ordered under section 25; or

(*b*) where criminal proceedings or proceedings in respect of a contravention of any Act or regulation are about to be or have been instituted against a person that in the opinion of the Director are connected with or arise out of the business in respect of which such person is registered or required to be registered,

in writing or by telegram, direct any person having on deposit or under control or for safe-keeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any other person having any of them on deposit, under control or for safe-keeping or to hold such assets or

trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes such direction or consents to release any particular asset or trust fund from the direction, but, in the case of a bank or loan or trust company, the direction only applies to the offices, branches or agencies thereof named in the direction. R.S.C. 1952, cc. 14, 296 R.S.O. 1960, cc. 197, 71

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director, Bond in lieu

(*a*) a personal bond accompanied by collateral security;

(*b*) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or R.S.O. 1960, c. 168

(*c*) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director determines.

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just. 1964, c. 121, s. 14. Application for direction

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice. *New.* Notice to registrar of deeds, etc.

28.—(1) Every used car dealer shall, within five days after the event, notify the Registrar in writing of, Notice of changes

(*a*) any change in his address for service;

(*b*) any change in the officers in the case of a corporation or of the members in the case of a partnership;

(*c*) any commencement or termination of the employment, appointment or authorization of a salesman;

(*d*) in the case of a corporation, any change in the ownership of its shares. 1964, c. 121, s. 9 (2); 1967, c. 104, s. 4, *amended*.

Idem

(2) Every used car salesman shall, within five days after the event, notify the Registrar in writing of,

(*a*) any change in his address for service; and

(*b*) any commencement or termination of his employment. 1964, c. 121, s. 9 (3), *amended*.

Financial statements

29.—(1) Every used car dealer shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the used car dealer and certified by a person licensed under *The Public Accountancy Act*. *New*.

R.S.O. 1960, c. 317

Statement confidential

(2) The information contained in a financial statement filed under subsection 1 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement.

False advertising

30. Where, in the opinion of the Registrar, a used car dealer is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 7 to 19 apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final. 1965, c. 139, s. 1, *amended*.

Service

31.—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department. 1964, c. 121, s. 8, *amended*.

Idem

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing.

Exception

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal. *New*.

Restraining orders

32.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the

imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Court of Appeal from an order made under subsection 1. *New.*

Offences

33.—(1) Every person who, knowingly,

(*a*) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;

(*b*) fails to comply with any order, direction or other requirement made under this Act; or

(*c*) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is $25,000 and not as provided therein.

Consent of Minister

(3) No proceedings under this section shall be instituted except with the consent of the Minister.

Limitation

(4) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Idem

(5) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose. 1964, c. 121, s. 19; 1967, c. 104, s. 9, *amended.*

Certificate as evidence

34. A statement as to,

(*a*) the registration or non-registration of any person;

(*b*) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

(*c*) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or

(*d*) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. 1964, c. 121, s. 20.

Regulations

35. The Lieutenant Governor in Council may make regulations,

(*a*) exempting any class of person from this Act or the regulations or any provision thereof;

(*b*) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;

(*c*) requiring the payment of fees on application for registration or renewal of registration, and prescribing the amounts thereof;

(*d*) requiring registered used car dealers or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;

(*e*) prescribing further procedures respecting the conduct of matters coming before the Tribunal;

(*f*) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof;

(*g*) requiring and governing the maintenance of trust accounts by used car dealers or any class thereof, and prescribing the moneys that shall be held in trust and the terms and conditions therefor;

(*h*) requiring and governing the books, accounts and records that shall be kept by used car dealers;

(*i*) requiring used car dealers and salesmen to make returns and furnish information to the Registrar;

(*j*) prescribing the information that used car dealers and salesmen shall disclose respecting the history of any class or classes of used cars;

(*k*) prohibiting prescribed alterations of used cars or any part thereof and requiring disclosure of prescribed alterations not prohibited;

(*l*) governing contracts for the sale and purchase of used cars;

(*m*) prescribing forms for the purposes of this Act and providing for their use;

(*n*) requiring any information required to be furnished or contained in any form or return to be verified by affidavit. 1964, c. 121, s. 21; 1965, c. 139, s. 2; 1967, c. 104, s. 10, *amended*.

1964, c. 121, 1965, c. 139, 1967, c. 104 repealed

36.—(1) *The Used Car Dealers Act, 1964*, *The Used Car Dealers Amendment Act, 1965* and *The Used Car Dealers Amendment Act, 1967* are repealed.

Unfinished proceedings

(2) Notwithstanding subsection 1, the Acts referred to therein continue to apply in respect of any investigation, proceeding or prosecution commenced thereunder before this Act comes into force, except that any certificate required to be given by the Director of the Registration and Examination Branch of the Department under such Acts and given after this Act comes into force shall be given by the Director of the Consumer Protection Division.

Director's knowledge imputed

(3) For the purpose of any prosecution commenced under the Acts referred to in subsection 1 or this Act, any knowledge of the Director of the Registration and Examination Branch of the Department shall be imputed to the Director of the Consumer Protection Division.

Commencement

37. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

38. This Act may be cited as *The Used Car Dealers Act, 1968-69*.

CHAPTER

CHAPTER 137

An Act to amend The Veterinarians Act

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 13 of *The Veterinarians Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 416, s. 13, subs. 1, re-enacted

(1) Every member of the Association shall annually on or before the 1st day of December pay to the treasurer such registration fee as the by-laws prescribe for the year next ensuing, and no certificate for that year shall be issued until the fee has been paid. Annual fee

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Veterinarians Amendment Act, 1968-69*. Short title

CHAPTER 138

An Act to amend The Voters' Lists Act

Assented to December 2nd, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *a* and *c* of section 1 of *The Voters' Lists Act* are repealed. R.S.O. 1960, c. 420, s. 1, cls. *a*, *c*, repealed

(2) Clause *e* of the said section 1 is amended by striking out "either at an election of a member of the Assembly or at a municipal election, as the case may be" in the third, fourth and fifth lines and inserting in lieu thereof "at a municipal election", so that the clause shall read as follows: R.S.O. 1960, c. 420, s. 1, cl. *e*, amended

(*e*) "voter" means a person entitled to be a voter, or to be named in the voters' list as qualified to be a voter at a municipal election.

2. Sections 4, 5 and 6 of *The Voters' Lists Act* are repealed. R.S.O. 1960, c. 420, ss. 4-6, repealed

3. Part III of *The Voters' Lists Act* is repealed. R.S.O. 1960, c. 420, Pt. III (ss. 57-98), repealed

4. Forms 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32 in the Schedule to *The Voters' Lists Act* are repealed. R.S.O. 1960, c. 420, Sched., Forms 21-32, repealed

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The Voters' Lists Amendment Act, 1968-69*. Short title

CHAPTER 139

An Act to amend The Wolf and Bear Bounty Act

Assented to October 31st, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Wolf and Bear Bounty Act* is amended by re-lettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960, c. 434, s. 1, amended

(*a*) "county" includes a regional municipality.

2. Notwithstanding section 2 of *The Wolf and Bear Bounty Act*, a person who has killed a timber or brush wolf in The Regional Municipality of Ottawa-Carleton, after the 31st day of December, 1968 and before the day on which this Act receives Royal Assent, and produces the skin to the treasurer of that regional municipality on or before the 31st day of December, 1969, is not disentitled to a bounty by reason of not so producing the skin within six months after the killing of the wolf. Transitional

3. This Act shall be deemed to have come into force on the 1st day of January, 1969. Commencement

4. This Act may be cited as *The Wolf and Bear Bounty Amendment Act, 1968-69*. Short title

CHAPTER 140

An Act to amend The Workmen's Compensation Act

Assented to June 27th, 1969
Session Prorogued December 17th, 1969

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 43 of *The Workmen's Compensation Act*, as re-enacted by subsection 1 of section 4 of *The Workmen's Compensation Amendment Act, 1965*, is repealed and the following substituted therefor: R.S.O. 1960, c. 437, s. 43 (1965, c. 142, s. 4, subs. 1), re-enacted

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured workman is entitled shall not be less than, Minimum amount of compensation

(*a*) for temporary total disability,

(i) where his average earnings are not less than $40 a week, $40 a week, and

(ii) where his average earnings are less than $40 a week, the amount of such earnings,

and for temporary partial disability a proportionate amount in accordance with the impairment of earning capacity; and

(*b*) for permanent disability, the pension computed in accordance with sections 42 and 44 but the amount of such pension shall not be less than,

(i) for permanent total disability, $175 a month, and

(ii) for permanent partial disability, an amount proportionate to that referred to in subclause i in accordance with the impairment of earning capacity.

(2)

Application of s. 43

(2) Section 43 of *The Workmen's Compensation Act*, as re-enacted by subsection 1, applies to all pension payments accruing on or after the 1st day of July, 1969, whether the accident happened before or after that date and whether the award of compensation was made before or after that date, but nothing in that section entitles any person to claim additional compensation for any period prior to the 1st day of July, 1969.

R.S.O. 1960, c. 437, amended

2. *The Workmen's Compensation Act* is amended by adding thereto the following section:

Reports privileged

97*a*. Every report made under section 52 and every other report made or submitted to the Board by a physician, surgeon, hospital, nurse, dentist, drugless practitioner, chiropodist or optometrist is for the use and purposes of the Board only, is deemed to be a privileged communication of the person making or submitting the same, and unless it is proved that it was made maliciously, is not admissible as evidence or subject to production in any court in an action or proceeding against such person.

Commencement

3.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on the 1st day of July, 1969.

Short title

4. This Act may be cited as *The Workmen's Compensation Amendment Act, 1968-69*.

PART II

PRIVATE ACTS

Chapters 141 to 172

CHAPTER 141

An Act respecting Banks Alignment Limited

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS John Robert Banks, Evelyn Florence Banks and John Lewis Banks by their petition have represented that Banks Alignment Limited, herein called the Corporation, was incorporated by letters patent dated the 13th day of November, 1956; that the Provincial Secretary by order made under the authority of subsection 2 of section 326 of *The Corporations Act* cancelled the letters patent of the Corporation and declared it to be dissolved on the 3rd day of June, 1965; that the petitioners were all the directors and the holders of all the common shares of the Corporation at the time of the said dissolution; that the notice of default in filing annual returns required by the said subsection 2 of section 326 of *The Corporations Act*, although sent to each of the petitioners as directors, was not received by any of them; that the petitioners became aware of the dissolution of the Corporation within one year after the date thereof and although the Corporation then instructed its solicitors to take steps to remedy such default no such action was taken within the period of one year provided for under the authority of subsection 3 of section 326 of *The Corporations Act* and the petitioners did not become aware that such action had not been taken until more than one year after the date of the dissolution of the Corporation; that by virtue of the cancellation of the letters patent of the Corporation the assets thereof became forfeit to the Crown in right of the Province of Ontario pursuant to section 330 of *The Corporations Act*; that by order in council dated the 29th day of June, 1967, it was recommended that pursuant to section 4 of *The Escheats Act*, all the interest of the Crown in right of the Province of Ontario to the assets of the Corporation be released to John Robert Banks, one of the petitioners, and that the Public Trustee be authorized to execute any transfers or assignments required for the purpose of transferring the said assets to the said John Robert Banks; that the Corporation at the time of its dissolution was carrying on active commercial business; and whereas the petitioners have prayed for special legislation reviving the Corporation; and whereas it is expedient to grant the prayer of the petition;

R.S.O. 1960, c. 71

R.S.O. 1960, c. 123

Therefore

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Banks Alignment Limited revived

1. Banks Alignment Limited incorporated by letters patent dated the 13th day of November, 1956, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Banks Alignment Limited Act, 1968-69*.

CHAPTER 142

An Act respecting the City of Belleville

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the City of Belleville by its petition has prayed for special legislation with respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Term of office, election of mayor, aldermen and Public Utilities commissioners

1. The mayor and aldermen of the council of The Corporation of the City of Belleville and the commissioners of the Public Utilities Commission of the City of Belleville shall be elected for a term of three years in the year 1969 and for a term of two years in the year 1972 and every two years thereafter.

1965, c. 144, ss. 2, 3, repealed

2. Sections 2 and 3 of *The City of Belleville Act, 1965* are repealed.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The City of Belleville Act, 1968-69*.

CHAPTER 143

An Act respecting Bobier Convalescent Home

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the Village of Dutton and The Corporation of the Township of Dunwich, both in the County of Elgin, have by their petition represented that by his last Will and Testament, Edward Bobier of the Village of Dutton, Gentleman, who died on or about the 19th day of November, 1947, did devise and bequeath to the said corporations in trust his residence, lands and premises on Station Street in the said Village of Dutton to be used as a hospital for the care, assuagement, treatment and relief of the people of the community who are sick, ill or in distress; that the said corporations accepted the bequest and have been operating the said residence as a convalescent home for the people of the community and surrounding areas; and whereas the petitioners have prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Corporations deemed empowered to accept bequest

1. The corporations of the Village of Dutton and the Township of Dunwich, both in the County of Elgin, are deemed to have been empowered as and from the 19th day of November, 1947, to accept the bequest of Edward Bobier made in his last Will and Testament.

Agreement re operation and maintenance of Home

2. The corporations of the Village of Dutton and the Township of Dunwich may by agreement provide for the joint operation and maintenance of a home known as the "Bobier Convalescent Home", herein called the Home, for the care and treatment of persons who are sick, ill or in distress.

Board of management

3.—(1) The councils of the corporations of the Village of Dutton and the Township of Dunwich may appoint a board of management for the Home, the members of which shall hold office for a period of two years.

(2)

Composition of board

(2) The board of management shall be composed of three members, one member to be appointed by the council of the Village of Dutton and two members to be appointed by the council of the Township of Dunwich.

Board may appoint Superintendent, staff

(3) In its management of the Home, the board may appoint a Superintendent of the Home and such staff as is necessary for the proper operation of the Home.

Defrayal of costs

4.—(1) The cost of renovations and enlargements of the Home and any deficits incurred in operating the Home shall be defrayed by the Village of Dutton and the Township of Dunwich in proportion to the amounts of their assessments according to their last assessment rolls as equalized by the application of the equalization factor provided by the Department of Municipal Affairs.

Apportionment

(2) The board of management shall apportion in each year the amount that it estimates will be required for the operation of the Home, and renovations and enlargements thereof, between the Village of Dutton and the Township of Dunwich and shall notify the clerk of each municipality of the amount to be provided by that municipality.

Raising of funds

(3) The Village of Dutton and the Township of Dunwich shall, within ninety days after receipt of notice under subsection 2, determine the method that will be used in raising the amounts required to be provided by them and shall take such steps as are necessary to carry the determination into effect and shall raise the amounts and shall pay them over to the board of management, provided that neither the village nor the township shall be required to provide any moneys for renovations or enlargements to the Home unless the councils of both municipalities have agreed in writing to such renovations or enlargements.

Alternative method of raising funds

5.—(1) The Ontario Municipal Board, upon the application of the councils, may by order,

(*a*) authorize the Village of Dutton or the Township of Dunwich to raise the whole amount required by the issue of its debentures; or

(*b*) authorize the Village of Dutton and the Township of Dunwich to raise the whole amount required by the issue of their debentures in such amounts as the Ontario Municipal Board orders,

and thereupon the municipalities shall raise the amount required by the issue of debentures and shall pay the proceeds to the board of management.

(2) Where debentures are issued to provide the whole amount required as provided in subsection 1, the board of management shall, in each year during the currency of the debentures, apportion the amount that will be required in that year to pay the amount of principal and interest on the debentures between the municipalities in proportion to the amount of their assessments according to their last revised assessment rolls as equalized by the application of the equalization factor provided by the Department of Municipal Affairs, and shall include the amount to be provided by each municipality as a separate item in its estimates submitted to the clerks of the municipalities. Apportionment of carrying charges

(3) The board of management shall in each year distribute the moneys received under subsection 2 to the municipality that issued the debentures, or where both municipalities issued debentures, to each municipality in the same proportion as the amount raised by each municipality bore to the total amount raised. Distribution of moneys

6. Nothing in this Act shall affect the provisions of *The Nursing Homes Act, 1966* and the regulations made thereunder. 1966, c. 99 not affected

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Bobier Convalescent Home Act, 1968-69*. Short title

CHAPTER

CHAPTER 144

An Act respecting the Town of Burlington

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the Town of Burlington, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law to establish parking area

1.—(1) Notwithstanding any general or special Act, the council of the Corporation may pass a by-law,

(*a*) for establishing in the Town of Burlington a parking area as described in the Schedule hereto;

(*b*) for acquiring, establishing, laying out and improving land, buildings and structures in the parking area or adjacent thereto, where vehicles may be parked;

(*c*) for erecting buildings or structures for or in connection with the parking of vehicles in, on or under any lands vested for any purpose in the municipality in the parking area or adjacent thereto;

(*d*) for leasing such land, buildings or structures in the parking area or adjacent thereto; and

(*e*) for regulating, supervising and governing the parking of vehicles therein or thereon.

Idem

(2) A by-law passed under subsection 1 may provide that,

(*a*) with the approval of the Ontario Municipal Board, the parking area may be altered, reduced or extended if in the opinion of council it is deemed necessary so to do;

(*b*)

(*b*) with the approval of the Ontario Municipal Board, the capital cost, or any part thereof, of any parking facilities heretofore or hereafter provided within the defined area, including any portion of the said cost already paid out of the parking reserve fund, the annual rental payable under a lease or any operating deficit in the previous year shall be levied against the lands in a defined area within the parking area that in the opinion of council derives special benefit therefrom; provided that no part of the capital cost of any parking facilities within the parking area shall be levied out of the general funds of the Corporation.

(*c*) with the approval of the Ontario Municipal Board, the defined area referred to in clause *b* may be altered, reduced or extended within the boundaries of the parking area if in the opinion of council it is deemed necessary so to do;

(*d*) the entire cost chargeable to lands in the defined area shall be equitably apportioned among all parcels assessed as commercial in the proportion that the commercial real property and business assessment of each parcel bears to the total commercial real property and business assessment in the defined area;

(*e*) the said apportionment shall be made annually on the 31st day of March on the basis of the last revised assessment roll;

(*f*) all revenue from existing and future parking lots established by the Corporation and from existing and future street meters in the defined area shall be applied within the defined area for the purposes set out in clause *b*; and

(*g*) all other revenue from existing and future parking lots established by the Corporation and from existing and future street meters outside the defined area but within the parking area shall be reserved for future parking facilities within the parking area.

Sinking fund debentures

2. Notwithstanding any general or special Act,

(*a*) the council of the Corporation may provide in any money by-law that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case the debentures issued under the by-law shall be known as sinking fund debentures;

(*b*) when sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum that, with the estimated interest at a rate not exceeding 4 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures as it becomes due;

(*c*) when sinking fund debentures are issued, the Committee shall keep one or more consolidated bank accounts in which,

(i) the treasurer of the Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking funds of all debts that are to be paid by means of sinking funds, and

(ii) there shall be deposited all earnings derived from, and all proceeds of the sale or maturity or redemption prior to maturity of sinking fund investments;

(*d*) when sinking fund debentures are issued, there shall be a sinking fund committee, herein called the Committee, which shall be composed of the treasurer of the Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current funds of the Corporation, such annual remuneration as the Lieutenant Governor in Council may determine;

(*e*) the treasurer of the Corporation shall be the chairman and treasurer of the Committee, and in his absence the appointed members may appoint one of themselves as acting chairman;

(*f*) each member of the Committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys and securities that come into his hands, in such amount as the auditors of the Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security; R.S.O. 1960, c. 249

(*g*) two members of the Committee shall be a quorum, and all investments and sales of investments must be approved by the treasurer of the Corporation and one other member of the Committee;

(*h*) all assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the Committee;

(*i*) all withdrawals from the consolidated bank accounts shall be authorized by the Committee, and all cheques on the consolidated bank accounts shall be signed by the treasurer of the Corporation and one other member of the Committee;

(*j*) the Committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investment;

(*k*) the moneys in the consolidated bank accounts shall be invested in debentures of the Corporation or other securities in which a trustee may invest under the provisions of *The Trustee Act* or in securities issued by the United States of America;

R.S.O. 1960, c. 408

(*l*) all securities acquired by the Committee as investments for sinking fund purposes shall be deposited for safe-keeping in a chartered bank or trust company until they are sold or mature or are called for redemption prior to maturity;

(*m*) all sinking fund debentures issued on the same date, maturing on the same date and payable in the same currency, notwithstanding that they were issued under one or more by-laws, shall be represented by one sinking fund account;

(*n*) where there is more than one sinking fund debenture by-law outstanding, the earnings from sinking fund investments in each year shall be apportioned by the Committee among all the sinking funds in the proportion that the increase during that year in the accumulated interest as provided for in clause *b* on the specific amount required to be deposited annually during the currency of each sinking fund debenture by-law bears to the total of all increases during that year in the accumulated interest as provided for in clause *b* on all the specific amounts required to be deposited annually during the currency of all outstanding sinking fund debenture by-laws;

(*o*) where the office of the treasurer of the Corporation is vacant or the treasurer is absent or is unable to carry on his duties through illness or otherwise, the deputy treasurer of the Corporation shall act in his stead, and, when so acting, has all the powers and duties of the treasurer as a member and as the chairman and treasurer of the Committee.

3. The council of the Corporation may pass by-laws requiring the owner or occupier of lands on which any building is being erected, altered, repaired or demolished to take all necessary steps to prevent building waste or soil from being tracked onto the public streets by vehicles going to or coming from the lands during the course of the erection, alteration, repair or demolition, and such by-laws may provide that, in addition to any penalty otherwise imposed by law, the owner or occupier shall be responsible to the municipality for the cost of removing such building material, waste or soil, and the cost may be deducted from any deposit, paid after the passing of any such by-law that is required to be paid under the provisions of a by-law passed under section 3 of *The Town of Burlington Act, 1965*. By-law re spilling of building material, etc. 1965, c. 145

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The Town of Burlington Act, 1968-69*. Short title

SCHEDULE

SCHEDULE

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Burlington in the County of Halton and being bounded on the north by the centre line of Caroline Street, on the east by the centre line of Elizabeth Street, on the west by the centre line of Locust Street, and on the south by the centre line of Lakeshore Road.

CHAPTER 145

An Act respecting Carleton University

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS Carleton University by its petition has shown that it is a body incorporated under the laws of Ontario, having as parts of its constitution a Senate and Faculty Boards, as defined more particularly in *The Carleton University Act, 1952*, and has prayed for certain changes in its constitution; and whereas it is expedient to grant the prayer of the petition;

1952, c. 117

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Carleton University Act, 1952*, as amended by section 1 of *The Carleton University Act, 1957* is repealed and the following substituted therefor:

1952, c. 117, s. 1, cl. *e*, re-enacted

(*e*) "Faculty Board" means the teaching staff of each respective faculty or school of the University of the rank of professor, associate professor, assistant professor or lecturer, together with such students of the faculty or school as may be chosen to be members of each Faculty Board according to procedures established by by-law.

2. Section 21 of *The Carleton University Act, 1952*, as amended by section 1 of *The Carleton University Act, 1957*, is repealed and the following substituted therefor:

1952, c. 117, s. 21, re-enacted

Senate

21.—(1) There shall be a Senate of the University consisting of such persons chosen in such manner and at such times as are determined by by-law, provided that at least one-half the total number of persons comprising the Senate shall be elected by the Faculty Boards of the University from the members of the Faculty Boards, in such manner as such by-laws may specify.

No ineligible member or invalid act by reason of age

(2) No person shall be ineligible to be a member of a Faculty Board or of the Senate or of the Board of Governors by reason only of his being under twenty-one years of age, and no act of any such bodies of the University shall be invalid by reason only of a member or members of such bodies being under twenty-one years of age.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Carleton University Act, 1968-69*.

CHAPTER 146

An Act respecting Co-ordinated Arts Services

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS the persons named in section 1 have by their petition prayed that they are desirous of being incorporated under the name "Co-ordinated Arts Services", herein called the Corporation, for the purpose of providing co-ordinated services for the assistance and benefit of the performing arts carried on by corporations and organizations; and whereas the petitioners have prayed that special legislation be passed for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation

1. Lawrence Michael Baldwin, Trust Officer, Kenneth Harold John Clarke, Executive, Herman Berthold Geiger-Torel, Managing Director, Arthur Ellis Gelber, Executive, William Hugh Graham, Executive, Walter Homburger, Managing Director, James Mavor Moore, Managing Director, Robert Edward Peel, Executive, Wallace Arven Russell, Manager, Muriel Sherrin, General Manager, Raymond Frederick Wickens, Administrative Director, all of The Municipality of Metropolitan Toronto in the County of York; Calvin Gordon Rand, Executive, of the City of Buffalo in the United States of America; William Tennent Wylie, General Manager, of the City of Stratford in the County of Perth and Frederick Gerald Townsend, Chartered Accountant, of the Town of Streetsville in the County of Peel, together with such other persons as hereinafter become members of the Corporation, are hereby constituted a body corporate and politic under the name Co-ordinated Arts Services.

Head Office

2. The head office of the Corporation shall be situate in The Municipality of Metropolitan Toronto.

Objects of Corporation

3. The Corporation shall have the following objects:

(*a*)

(*a*) To foster and assist in the co-ordination of services between the performing arts or other artistic or cultural organizations in order to achieve efficiencies therein or integration thereof.

(*b*) To provide services for the benefit and assistance of the performing arts or other artistic or cultural organizations including, without limiting the generality of the foregoing, assistance in the investigation, establishment, development, management and operation of all types of equipment, systems and facilities necessary or incidental to the undertakings carried on by such performing arts or other artistic or cultural organizations.

(*c*) To assess or otherwise charge the performing arts or other artistic or cultural organizations that utilize any of the aforesaid services the appropriate cost thereof.

(*d*) To solicit and receive grants, donations, bequests, legacies or other gifts for the purpose of carrying on the aforesaid services.

Corporation not carried on for purpose of gain

4. The Corporation shall be carried on without the purpose of gain to its members and any profits or other accretions to the Corporation shall be used in promoting its objects.

Members of Corporation

5. The members of the Corporation shall be such of the performing arts or other artistic or cultural organizations that apply therefor and are accepted as members by the Board of Directors of the Corporation.

Appointment of directors

6.—(1) Each member of the Corporation shall appoint two persons to serve as directors of the Corporation, one of whom shall be an employee or otherwise represent the management of such member and the other of whom shall not be an employee of such member but shall otherwise represent the policy of such member, and, subject to subsection 2, the persons so appointed from time to time shall form the Board of Directors of the Corporation.

Alternate directors

(2) Any director appointed under subsection 1 may, with the approval of the member that such director represents, designate an alternate director to serve from time to time in his place and stead by reason of his absence or inability to serve, as the occasion may require, and such alternate director shall in such case have all the powers and duties as if he were appointed a director under subsection 1 provided that such alternate director shall represent either the management of the member or the policy of the member in the same manner as the director who designates him represents that member.

Qualification to represent policy

(3) For the purposes of this section, a person shall be qualified to represent the policy of a member if such person is known as a director of such member or otherwise is elected to the policy-making board or committee of such member.

First directors

(4) The first directors of the Corporation shall be those persons named in section 1 and such alternate directors as each director designates under subsection 2.

Term of office, re-appointment

(5) All directors shall serve without remuneration and shall be appointed or designated, as the case may be, for a term of one year and are eligible for reappointment or redesignation, as the case may be.

Management of Corporation, by-laws

(6) The affairs of the Corporation shall be managed by the Board of Directors who shall have power to pass by-laws regulating the affairs of the Corporation and, without limiting the generality of the foregoing, the Board of Directors may pass by-laws regulating,

(*a*) the calling of and procedure at meetings of the Board of Directors, the time for and the place of such meetings, the quorum at meetings of the Board of Directors and the filling of vacancies in the Board of Directors by reason of death, resignation or otherwise;

(*b*) the appointment, functions, powers, duties, remuneration and removal of officers, servants, agents and employees of the Corporation and the security, if any, to be given by them to the Corporation;

(*c*) the admission of such of the performing arts or other artistic or cultural organizations that apply therefor as members of the Corporation, and the qualification and conditions of membership;

(*d*) the assessment or charging of membership fees, dues or other charges, and the suspension, termination and transfer of membership;

(*e*) the calling of and the procedure at meetings of members, the time for and the place of such meetings and the quorum at meetings of members;

(*f*) the distribution and disposal of the property and assets of the Corporation upon its dissolution;

(*g*) the appointment from time to time of an Executive Committee of the Board of Directors and such other committee or committees as the Board of Directors may authorize;

(*h*) the borrowing of money on the credit of the Corporation and the charging, mortgaging, hypothecating or pledging all or any of the real or personal property of the Corporation to secure any money borrowed or other debt or any other obligation or liability of the Corporation; and

(*i*) the conduct in all other particulars of the affairs of the Corporation,

provided that any by-law passed pursuant to this subsection and a repeal, amendment or re-enactment thereof, is effective only until the next general meeting of members unless confirmed thereat, and, in default of confirmation thereat, ceases to have effect at and from that time, and in that case no new by-law of the same or like substance has any effect until confirmed at a general meeting of the members, and provided further that no act done or right acquired under any by-law is prejudicially affected by any rejection, amendment or other dealing at a general meeting of members.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Co-ordinated Arts Services Act, 1968-69*.

CHAPTER 147

An Act respecting the City of Cornwall

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the City of Cornwall by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law to reduce levy validated

1. By-law Number 647/68 for The Corporation of the City of Cornwall, set forth as the Schedule hereto, being a by-law covering the cost of the Guy Street storm sewer, is declared to be valid and binding upon the Corporation and the ratepayers and inhabitants thereof.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Cornwall Act, 1968-69*.

SCHEDULE

SCHEDULE

BY-LAW NUMBER 647

FOR THE CORPORATION OF THE CITY OF CORNWALL
FOR THE YEAR 1968

A BY-LAW to reduce the levy covering the cost of the storm sewer on Guy Street from Fourth Street to LaSalle Road in the City of Cornwall.

WHEREAS the Corporation of the City of Cornwall, by By-law Number 1932/66, authorized the construction of a storm sewer on Guy Street from Fourth Street to LaSalle Road in the said City of Cornwall, at an estimated cost of $29,132.12 pursuant to *The Local Improvement Act*, which by-law directed that the special assessment be paid in ten annual instalments;

AND WHEREAS the final report of the City Engineer, as revised, found that the actual cost of the work was $40,199.60 and directed that the cost of the work be charged against the abutting property at an equal rate per foot frontage in the sum of $8.2227 per foot frontage;

AND WHEREAS the first levy was made in 1968 and the last levy is due to be made in 1977;

AND WHEREAS the Corporation of the City of Cornwall paid for the cost of the said work out of a reserve capital fund—debentures were not issued;

AND WHEREAS the said work was, in effect, a trunk sewer designed to service a much greater area than the area assessed, which resulted in a cost much higher than was estimated;

AND WHEREAS the owners have applied to the Council of the Corporation of the City of Cornwall to relieve them from part of the cost of the said work for the years 1968 to 1977 inclusive.

NOW, THEREFORE, the Council of the Corporation of the City of Cornwall enacts as follows:—

1. There shall be collected against the persons specially assessed under the Engineer's Report, as finally revised, which Report was prepared pursuant to said By-law Number 1932/66, a sum calculated at the rate of $6.00 per foot frontage, and not at the rate of $8.2227 per foot frontage as set out in the said Report, for the years 1968 to 1977 inclusive.

PASSED, SIGNED AND SEALED in Open Council this 15th day of October, 1968.

Mayor.

Clerk.

CHAPTER 148

An Act respecting the Borough of East York

Assented to April 1st, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the Borough of East York, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this Act,

(*a*) "non-residential property" means a building or structure or part of a building or structure not occupied and not capable of being occupied in whole or in part for the purposes of human habitation, and includes the land and premises appurtenant thereto and all outbuildings, fences and erections thereon;

(*b*) "owner" includes the person for the time being managing or receiving the rent of or paying the municipal taxes on the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let.

By-laws for standard of fitness of non-residential property

(2) The council of the Corporation may pass by-laws,

(*a*) fixing a standard of fitness to which all non-residential property shall conform;

(*b*) requiring the owners of non-residential property that does not conform to the standard to make it so conform;

(*c*) requiring the owners of buildings, structures or erections that form part of non-residential property and that do not conform to the standard to demolish all or any part thereof;

(*d*) prohibiting the use of non-residential property that does not conform to the standard;

(*e*) authorizing the placarding in such manner as the by-law may specify of non-residential property that does not conform to the standard, and prohibiting the pulling down or defacing of any such placard;

(*f*) governing and regulating persons in the use and occupancy of non-residential property; and

(*g*) providing for the appointment of a tribunal of inspectors, or both a tribunal and inspectors, for the administration and enforcement of the by-laws.

Advances to owners

(3) Where the owner of any non-residential property is unable to pay the expense of making it conform to the standard required by the by-laws, the Corporation may advance money to or for the benefit of the owner to the extent necessary to pay the expense.

Lien for advances and repayment

(4) When the Corporation has advanced money as provided in subsection 3, it shall, upon the registration of a certificate under subsection 5, have a lien upon the non-residential property in respect of which the advance was made for the amount of the advance, together with interest thereon at a rate to be fixed from time to time by the council but which shall not exceed 6 per cent per annum, and the amount of the advance with the interest thereon is repayable to the Corporation by the owner of the non-residential property in equal consecutive annual payments, which shall be collected over a period of years to be determined by the council and which period shall not exceed ten years but need not be the same in the case of each advance, and, if default is made with respect to any of the payments hereinbefore provided, the whole of the balance of the advance, together with accrued interest thereon at the time of default, becomes due and payable forthwith, and the amount of such balance, including interest, shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as municipal taxes.

Registration of certificate of advance and repayment

(5) A certificate of the clerk of the Corporation setting out the amount advanced to or for the benefit of any owner under subsection 3, the rate of interest thereon and a description of the property in respect of which the amount was advanced, sufficient for registration, together with an affidavit verifying the signature of the clerk of the Corporation, shall be registered in the proper registry office or land titles office and, upon repayment in full to the Corporation of the amount advanced

and

and the interest thereon, a certificate of the clerk of the Corporation showing the repayment shall be similarly registered, and the property is thereupon freed from liability in respect of the advance and interest thereon and from the lien arising therefrom.

Performance by Corporation and collection of cost

(6) If any owner of non-residential property fails within such time as may be specified by the Corporation or the tribunal appointed under subsection 2 to make the non-residential property conform to the standard required by a by-law passed under this section or fails to demolish all or any part of any building, structure or erection forming part of the non-residential property as directed by the Corporation or the tribunal, the Corporation or the tribunal, in addition to all other remedies, has the right to make the non-residential property conform to the standard or to demolish or cause to be demolished all or any part of any building, structure or erection forming part of the non-residential property, and to do any work on adjoining property necessitated by the work involved in making the non-residential property conform to the standard or by the demolition, and, for such purposes, with the servants and agents of the Corporation, from time to time to enter upon the lands of the owner and upon adjoining property, and neither the Corporation nor the tribunal is liable to compensate the owner or any person by reason of anything done by or on behalf of the Corporation or the tribunal under this subsection, and, for any amount expended by or on behalf of the Corporation or the tribunal in this subsection, the Corporation is entitled to a lien upon the non-residential property in respect of which the amount was expended, exercisable in the same manner as a lien for an advance under subsection 3, and, subject to the appeal provided by subsection 9, the certificate of the clerk of the Corporation as to the amount expended is final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected as taxes.

Enforcement of by-laws R.S.O. 1960, c. 249

(7) A by-law passed under this section is enforceable in the same manner as a by-law passed under *The Municipal Act*.

Notice to mortgagees

(8) Before proceeding under subsection 3 or 6, the Corporation or the tribunal appointed under subsection 2 shall notify any mortgagee appearing on the registered title, by registered letter, specifying wherein the non-residential property is defective, and, if all defects are not remedied within one month from such notification, subsections 3 and 6 apply.

Appeal to O.M.B.

(9) Any person affected may appeal to the Ontario Municipal Board from a decision made under subsection 6 by the Corporation or by the tribunal appointed under subsection 2, and the decision of the Board is final.

(10)

Powers of inspectors

(10) When a by-law under this section is in effect, any inspector appointed under subsection 2 and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any non-residential property to which the by-law applies.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Borough of East York Act, 1968-69*.

CHAPTER 149

An Act respecting the City of Hamilton

Assented to June 9th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the City of Hamilton, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Payment of costs of private drain connections R.S.O. 1960, c. 223

1.—(1) Notwithstanding *The Local Improvement Act*, where the Corporation,

(*a*) constructs separate storm water sewers and sanitary sewers in the replacement, construction or reconstruction in whole or in part of any combined storm water sewer and sanitary sewer; and

(*b*) undertakes, without the request of any of the owners of the abutting lands, the construction of private drain connections from the main sewer to the street line,

the costs of such private drain connections that otherwise would be specially assessed upon the particular lots to serve which they are constructed shall be paid by the Corporation from the estimates of revenue and expenditure of the Corporation adopted under section 297 of *The Municipal Act* for a fiscal year in which the Corporation by by-law authorizes and directs payment for private drain connections. R.S.O. 1960, c. 249

Council may pass by-laws

(2) The council of the Corporation may pass a by-law or by-laws in the year 1969 and thereafter authorizing and directing payment of the costs of construction of private drain connections in the year 1968 and thereafter.

Lands deemed not liable to assessment and taxation R.S.O. 1960, c. 23

2.—(1) Notwithstanding subsection 9 of section 4 of *The Assessment Act*, the real property described in Instrument No. 37835 A.B. registered in the Registry Office for the

Registry

Registry Division for the County of Wentworth on the 29th day of December, 1966 in the name of the Corporation as registered owner shall be deemed to have been not liable to assessment and taxation from and including the 31st day of December, 1966 to and including the 31st day of August, 1967.

Cancellation of taxes

(2) Taxes in the amount of $1,433.60 levied for the period set out in subsection 1 against the tenant or lessee of the real property referred to therein are cancelled.

Lands vested in Corporation

3.—(1) The lands described in Schedule A hereto are hereby vested in the Corporation freed from all trusts, limitations, conditions, restrictions, covenants or other defects affecting the lands.

Designation of lands for market purposes

(2) Notwithstanding subsection 1, upon application to the Corporation by the Hamilton Central Market Stall Holders Association, the Corporation, if it is satisfied that it is necessary to relocate temporarily the market operated on the lands described in Schedule A hereto, shall provide a temporary site of approximately one acre in area to be used as a market, such site to be located within the area bounded by Hunter, Merrick, Bay and John Streets in the City of Hamilton as may be decided upon from time to time by the Corporation.

Idem

(3) Notwithstanding subsection 2, where the Corporation is satisfied that it is necessary to relocate permanently the market referred to in subsection 2, it shall, in addition to any other use, permit the use of any part of the lands described in Schedule B hereto, as the Corporation shall designate for market purposes, in accordance with any by-laws or resolutions passed by the council of the Corporation under the provisions of *The Municipal Act* or any Act respecting the City of Hamilton affecting markets, provided that the part so designated shall be not less than one acre in area.

R.S.O. 1960, c. 249

Powers not restricted

(4) Nothing in this section shall be deemed to restrict the Corporation in the exercise of any of its powers respecting any of the lands referred to in subsections 2 and 3.

1959, c. 116, s. 1, Schedule repealed

4. Section 1 of *The City of Hamilton Act, 1959* and the Schedule thereto are repealed.

Commencement

5.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1968.

Short title

6. This Act may be cited as *The City of Hamilton Act, 1968-69*.

SCHEDULE A

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the County of Wentworth and Province of Ontario and being composed of part of David Kirkendall's Survey, registered in the Registry Office for the Registry Division of the County of Wentworth as Plan No. 39, and part of Andrew Miller's Seven Acre Tract, being in the block bounded by James Street, Merrick Street, MacNab Street and Market Square in the City of Hamilton, and which said parcel may be more particularly described as follows:

Beginning at a point in the southern limit of Merrick Street, distant therein westerly one hundred and seventy feet and five and one-quarter inches (170′ 5¼″) from the western limit of James Street; thence continuing westerly along the said southern limit of Merrick Street, two hundred feet and three inches (200′ 3″) more or less to the eastern limit of MacNab Street; thence southerly along the said eastern limit of MacNab Street, two hundred and ninety-two feet and ten and three-quarter inches (292′ 10¾″) more or less to the northern limit of Market Square, as defined by City of Hamilton By-law No. 7583; thence easterly along the said northern limit of Market Square, two hundred and seventeen feet and seven and one-half inches (217′ 7½″) more or less to the production southerly of the western limit of a twenty-foot (20′ 0″) right-of-way granted to the T. Eaton Company Limited by Instrument No. 269534 N.S.; thence northerly to and along the western limit of the said right-of-way, three hundred and seventy-five feet and two and one-half inches (375′ 2½″) more or less to the place of beginning.

SCHEDULE B

SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in the County of Wentworth and Province of Ontario and being more particularly described as follows:

Beginning at the point where the northern limit of Merrick Street intersects the west limit of Bay Street; thence southerly along the west limit of Bay Street to the southerly limit of Main Street; thence easterly along the southerly limit of Main Street to the point where the same would be intersected by the production southerly of the westerly limit of Lot 22 in the block bounded by James Street, Main Street, MacNab Street and King Street, according to the unregistered survey known as P. H. Hamilton Survey; thence northerly to and along the westerly limit of the said Lot 22 to the northwest angle of that Lot; thence westerly along the projection of the northerly limit of that Lot to a point therein which point is distant 230 feet measured westerly therealong from the westerly limit of James Street; thence northerly and on a course parallel to the westerly limit of James Street to the northerly limit of Lot 20, according to the Plan to which reference is hereinbefore made; thence easterly along the northerly limit of the said Lot 20 and Lot 21, according to the same Survey, and continuing in a straight line to the point of intersection with the easterly limit of James Street; thence northerly along the easterly limit of James Street to the point of intersection with the northerly limit of Merrick Street; thence westerly along the northerly limit of Merrick Street to the place of beginning.

CHAPTER 150

An Act respecting the City of Kitchener

Assented to June 27th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the City of Kitchener, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Grant of retirement allowances

1. The council of the Corporation may, by by-law, passed without the approval of the Ontario Municipal Board, grant annual retirement allowances to Howard M. Crosby and Paul Gertz, former employees of the Kitchener Auditorium Board of Management, in the amounts of $1,700 and $600 respectively, payable monthly during their respective lives.

By-law may be amended

R.S.O. 1960, c. 249

2. Any by-law of the Corporation passed under section 240 of *The Municipal Act* that grants to an employee a retirement allowance that is less than the maximum amount that might have been granted under that section may be amended to increase the amount payable to an amount not greater than the said maximum.

Adoption of National Fire Code

3.—(1) The council of the Corporation may by by-law adopt in whole or in part with such changes as the council deems necessary The National Fire Code of Canada by including the code in whole or in part in the by-law.

Rights of Appeal

(2) Any person affected by an order made under a by-law passed under subsection 1 may appeal to the Fire Marshal and from the decision of the Fire Marshal to the county court judge of the County of Waterloo in the same manner, *mutatis mutandis* as provided for by *The Fire Marshals Act* in respect of orders made under that Act.

R.S.O. 1960, c. 148

Power of Corporation to acquire land

4.—(1) The power of the Corporation to acquire land under paragraph 49 of subsection 1 of section 379 of *The*

Municipal

R.S.O. 1960, c. 249

Municipal Act may be exercised in respect of land outside the limits of the City of Kitchener and within the Township of Waterloo.

Idem

(2) The Corporation may also acquire land within the Township of Waterloo for the purpose of providing roads or other municipal services to land acquired under subsection 1.

Commencement

5.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 shall be deemed to have come into force on the 7th day of October, 1968.

Short title

6. This Act may be cited as *The City of Kitchener Act, 1968-69*.

CHAPTER 151

An Act respecting the Town of Lindsay

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the Town of Lindsay, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act, "building" includes any building, part of a building or structure and the contents thereof with the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.

Order for demolition of building

2. The council of the Corporation may, by by-law passed at any general meeting thereof by a vote of three-fourths of all the members of the council, order the removal or demolition of a building that is in a ruinous or dilapidated state and has not been occupied for industrial, commercial or residential purposes for a period of three years.

Notice of by-law

3. Notice of the by-law shall be registered in the Registry Office for the Registry Division of the County of Victoria and notice shall thereafter be served upon the owner, the mortgagee and any other encumbrancer appearing on the registered title, and upon any execution creditor appearing on the records of the sheriff's office, and the owner, mortgagee, encumbrancer or execution creditor has the right to appeal appeal to the judge of the county court of the County of Victoria from the decision of the council to remove or demolish the building by written notice of appeal delivered to the clerk of the Corporation within thirty days after the date of service of the notice of the by-law.

Contents of notice

4. The notice of the by-law shall include a copy of the by-law and shall set out the method and time for appealing from the decision of the council of the Corporation.

5.

Power of Town Engineer to carry out order

5. Unless notice of an appeal is received by the clerk of the Corporation within the time stated in section 3, the decision of the council of the Corporation to remove or demolish the building may be carried out forthwith by the Town Engineer on behalf of the Corporation and for this purpose the Corporation with its servants and agents may from time to time enter upon the lands of the owner, and the Corporation is not liable to compensate the owner, or any other person by reason of anything done by or on behalf of the Corporation under the authority of this section.

Lien

6. The Corporation has a lien for the amount expended by or on behalf of the Corporation in carrying out the decision of the council to remove or demolish the building and the certificate of the clerk of the Corporation as to the amount so expended is final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as real property taxes.

Hearing of appeal

7. If the decision of the council of the Corporation is appealed, the clerk of the Corporation shall obtain an appointment for a hearing before the judge of the county court of the County of Victoria and shall give notice thereof by such means and to such persons as the judge may require.

Order of judge

8. After hearing the persons who attend on the appeal, the judge may confirm the decision of the council of the Corporation and dismiss the appeal, in which case the Corporation may proceed forthwith to remove or demolish the building, or the judge may make such other order as he deems advisable under the circumstances.

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Town of Lindsay Act, 1968-69*.

CHAPTER 152

An Act respecting the City of London

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

WHEREAS The Corporation of the City of London, by its petition, has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *An Act respecting the General Hospital of the City of London*, Statutes of Ontario, 1887, Chapter 58, as re-enacted by section 5 of *The City of London Act, 1954*, is repealed and the following substituted therefor: 1887, c. 58, s. 1 (1954, c. 115, s. 5), re-enacted

(1) The general management, operation, equipment and control of the hospitals of the City of London, known as Victoria Hospital, London, and War Memorial Children's Hospital of the City of London, including residences and other buildings ancillary thereto, are vested in and shall be exercised by a Board called The Board of Hospital Trustees of the City of London. Management of hospitals

(2) The Board is authorized and empowered to alter, repair, reconstruct and construct buildings, works and equipment upon the lands acquired by or in the name of The Corporation of the City of London for the purposes of the said hospitals, residences and other buildings ancillary thereto and no approval of the Corporation shall be required therefor except where funds are supplied by the Corporation for a specific purpose. Construction, etc., of buildings

(3) The Board is authorized and empowered to demolish any buildings or works or parts thereof upon the said lands when required to provide for repair, alterations or reconstruction thereof or for new construction. Demolition of buildings

Credit not to be pledged

(4) Nothing herein contained shall authorize or empower the Board to pledge the credit of The Corporation of the City of London.

By-laws, etc. R.S.O. 1960, c. 322

(5) The Board is empowered to enact by-laws and regulations subject to *The Public Hospitals Act* and not inconsistent with this Act for the regulation and organization of the Board and for the management, operation and control of the said hospitals and the use thereof, and to which last-mentioned by-laws and regulations all persons making use of the said hospitals, or either of them, shall conform.

1887, c. 58, s. 2 (1938, c. 58, s. 4, subs. 1), re-enacted

(2) Section 2 of the said Act, as re-enacted by subsection 1 of section 4 of *The City of London Act, 1938*, is repealed and the following substituted therefor:

Constitution of Board

2.—(1) The Board shall be a body corporate and politic and shall be composed of eight members and such additional members as are required under the regulations made under *The Public Hospitals Act*, and of the eight members,

(*a*) one member shall be the Mayor of the City of London, *ex officio*;

(*b*) three members shall be appointed as follows,

(i) one member by the county council of the County of Middlesex, to be appointed annually at the last council meeting in each year,

(ii) one member by the Lieutenant Governor in Council, to hold office during his pleasure, and such member shall be a ratepayer of the City of London, and

(iii) one member by the trustees of the estates of the late Dr. Harry Meek and Mrs. Mary E. Meek, to hold office during their pleasure;

(*c*) one member shall be the chairman for the time being of the Advisory Council of War Memorial Children's Hospital, *ex officio*, or a member of the said Advisory Council designated by it before the first meeting of the Board in each year, such member to be approved by resolution of the Board and to hold office for that year; and

(*d*) three members shall be elected by the municipal electors of the City of London at the municipal elections.

Election by municipal electors R.S.O. 1960, c. 249

(2) The provisions of *The Municipal Act* respecting nomination, qualification, election, unseating, grounds of disqualification and otherwise of mayors shall apply to the election of the three elected members.

1887, c. 58, s. 3, repealed

(3) Section 3 of the said Act, as amended by subsection 2 of section 4 of *The City of London Act, 1938* and subsection 1 of section 4 of *The City of London Act, 1948*, is repealed.

1887, c. 58, s. 5 (1948, c. 114, s. 4, subs. 2), cl. *a*, re-enacted

(4) Clause *a* of section 5 of the said Act, as re-enacted by subsection 2 of section 4 of *The City of London Act, 1948*, is repealed and the following substituted therefor:

(*a*) If the vacancy is that of a member appointed by the county council of the County of Middlesex, a member appointed by the trustees of the estates of the late Dr. Harry Meek and Mrs. Mary E. Meek, or the representative of the Advisory Council of War Memorial Children's Hospital, the Board shall, by notice in writing forwarded by registered post addressed to the authority in respect of whose member the vacancy occurs, notify such authority of the vacancy and if the authority does not within thirty days notify the Board of the appointment of a member to fill the vacancy, the Board shall appoint a person to fill such vacancy.

1887, c. 58, s. 6, re-enacted

(5) Section 6 of the said Act is repealed and the following substituted therefor:

Organization of Board

6.—(1) The chairman of the Board shall call the first meeting of the Board in each year before the 22nd day of January, having first given notice in writing of the time and place of such meeting to each member of the Board at least seven days prior to the date of such meeting and at such meeting board members shall be appointed as chairman and vice-chairman, respectively, for the current year and a secretary shall also be appointed who may but is not required to be a board member.

Idem

(2) The vice-chairman shall act when the chairman is absent or unable to act and the Board may appoint an acting secretary when the secretary is absent or unable to act.

1887, c. 58, s. 7, subss. 1, 3, re-enacted

(6) Subsections 1 and 3 of section 7 of the said Act are repealed and the following substituted therefor:

Meetings

(1) The Board shall meet at least monthly except during July and August in each year and at such other times as the Board deems proper.

. . . . .

Quorum

(3) No business shall be transacted at any special or general meeting unless at least five members of the Board are present.

1887, c. 58, s. 8, re-enacted

(7) Section 8 of the said Act is repealed and the following substituted therefor:

Persons disqualified R.S.O. 1960, c. 322

8. Subject to *The Public Hospitals Act* and the regulations thereunder, no member of the Board as constituted by this Act shall be a medical practitioner in actual practice or, except in the case of the mayor or the person designated to act in his place, a member of the city council or an officer or servant in the employment of the said council or of the Board.

1887, c. 58, s. 10, amended

(8) Section 10 of the said Act is amended by striking out "*The Consolidated Municipal Act, 1883*" in the fifth and sixth lines and inserting in lieu thereof "*The Municipal Act*", so that the section shall read as follows:

Powers of trustees to revert to city council on passage of a by-law for that purpose

R.S.O. 1960, c. 249

10. In case the municipal council of the corporation of the said city of London shall pass a by-law declaring it expedient that the powers conferred by this Act shall cease, and such by-law shall receive the assent of the municipal electors of the said city of London in manner provided by *The Municipal Act*, and amendments thereto, such powers shall from the time named for that purpose in the by-law cease and be at an end, and the same shall revert to the said municipal council.

1887, c. 58, s. 11, re-enacted

(9) Section 11 of the said Act is repealed and the following substituted therefor:

Rights of property not affected

11. Nothing in this Act shall be deemed to transfer to or vest in the Board or the Province of Ontario or The Corporation of the County of Middlesex any right of ownership to or in the said hospitals.

Interim member

2. The chairman for the time being of the Advisory Council of War Memorial Children's Hospital shall be a member of The Board of Hospital Trustees of the City of

London from the date this section comes into force until such time as the Board is reconstituted under section 2 of *An Act respecting the General Hospital of the City of London*, Statutes of Ontario, 1887, Chapter 58, as re-enacted by subsection 2 of section 1 of this Act and the members of the Board who are in office when this section comes into force shall remain in office until the Board is so reconstituted.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The City of London Act, 1968-69*.

CHAPTER 153

An Act respecting Maimonides Schools for Jewish Studies

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS Harry P. Botnick, Abraham Bleeman, Yaakov S. Weinberg, Sandor Hofstedter, Wilferd Gordon, Q.C., Mark A. Levy, Alex Rubin, Gedalyah Felder, Nachum L. Rabinovitch and Nota Schiller by their petition have represented that it is desirable to incorporate an institution for studies and research in higher Jewish learning and cognate fields within the Province of Ontario; and whereas the petitioners have prayed for special legislation to effect such purpose; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation

1. Harry P. Botnick, Abraham Bleeman, Yaakov S. Weinberg, Sandor Hofstedter, Wilferd Gordon, Q.C., Mark A. Levy, Alex Rubin, Gedalyah Felder, Nachum L. Rabinovitch, Nota Schiller and such other persons as may hereafter be elected or appointed President, or a member of the Senate or Board of Governors of Maimonides Schools, are hereby constituted a body politic and corporate with perpetual succession and a common seal under the name of "Maimonides Schools for Jewish Studies", hereinafter called Maimonides Schools.

Powers

2. Maimonides Schools has the following university powers:

Faculty institutes, etc.

(*a*) to establish and maintain a faculty of Rabbinics and Theology, and institutes, departments, chairs and courses for studies and research in higher Jewish learning;

Degrees

(*b*) to grant in all branches of higher Jewish learning all university degrees that are specific in their designa-

tion

tion to branches of higher Jewish learning, and such diplomas as it deems appropriate, but such power shall only be effective if, as the result of federation, affiliation or agreement, provision is in effect for courses not directly related to higher Jewish learning to be taken by its students at or under the supervision of a university which has had degree-granting rights conferred by the Legislature of the Province of Ontario;

Affiliation

(*c*) to affiliate with, or take into affiliation or federate with, other colleges, schools, universities and institutions of learning on such terms and for such periods of time as the Board of Governors may determine;

Publications

(*d*) to publish and distribute periodicals and books related to studies and research in higher Jewish learning;

Fellowships

(*e*) to establish fellowships for students engaged in studies and research in higher Jewish learning.

Property
R.S.O. 1960, c. 191

3.—(1) Maimonides Schools has in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, the power to purchase or otherwise acquire, take or receive by gift, deed, bequest or devise or otherwise any real or personal property necessary for its actual use and occupation or for carrying on its undertaking absolutely or in trust and to hold and enjoy any estate or property whatsoever, and to sell, grant, convey, mortgage, hypothecate, pledge, charge, lease and otherwise dispose of the same or any part thereof from time to time as occasion may require, and to acquire other estate and property in addition thereto without licence in mortmain and without limitation as to the period of holding.

Borrowing Powers

(2) Maimonides Schools has power,

(*a*) to borrow money on its credit in such amounts, on such terms and from such persons, firms and corporations, including chartered banks, as may be determined by the Board of Governors;

(*b*) to make, draw and endorse promissory notes or bills of exchange;

(*c*) to mortgage, hypothecate, pledge or charge any or all of its personal and real property to secure any money so borrowed or the fulfilment of the obligation incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;

(*d*) to issue bonds, debentures and obligations on such terms and conditions as the Board of Governors may decide and to pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board of Governors may decide and may mortgage, charge, hypothecate or pledge all or any part of its real or personal property to secure any such bonds, debentures and obligations.

Investment powers

4. The funds of Maimonides Schools not immediately required for its purposes and the proceeds of all property that come into Maimonides Schools, subject to any trusts affecting the same, may be invested and reinvested in such investments as the Board of Governors of Maimonides Schools deems proper and all its property and revenue shall be applied for the attainment of the objects for which Maimonides Schools is constituted and to the payment of expenses incurred for objects legitimately connected with or depending on the purposes aforesaid.

Board of Governors

5.—(1) There shall be a Board of Governors of Maimonides Schools that shall consist of the persons named in section 1, who shall hold office until their successors are elected or appointed, and such other persons, not exceeding eighteen in number, as may be elected or appointed in such manner and for such term as may be provided in the by-laws of the Board.

Vacancies

(2) The Board of Governors shall appoint persons to fill vacancies that occur in the Board.

Idem

(3) If, within any fiscal year of Maimonides Schools, a member of the Board of Governors, not having been granted leave of absence by the Board, attends less than 50 per cent of the regular meetings of the Board, the Board may, by resolution, declare vacant the seat of such member.

Management of Maimonides Schools

6. The Board of Governors has the control, management and government of Maimonides Schools and has power to make by-laws, rules and regulations not contrary to law or the provisions of this Act,

(*a*) for the working and management of Maimonides Schools;

(*b*) for determining the number of members of the Board that shall constitute a quorum;

(*c*) respecting the election or appointment of members of the Board; and

(*d*) regulating all matters pertaining to meetings of the Board.

President

7.—(1) The first President of Maimonides Schools shall be Rabbi Yaakov S. Weinberg, and his successors and all subsequent Presidents shall be appointed by the Board of Governors and the Senate of Maimonides Schools from a panel of candidates to be recommended by an international board of educators in higher Jewish learning, which board shall be appointed by the Senate.

Idem

(2) The President shall be responsible, with the advice of the Senate of Maimonides Schools, for supervising, directing and regulating the system of education of Maimonides Schools, for determining the courses of study and standards of admission and qualifications for degrees, for conferring degrees, and for appointing and removing members of the faculty and the officers and servants of Maimonides Schools.

Senate

8.—(1) There shall be a Senate of Maimonides Schools composed of,

(*a*) the President, who shall be its Chairman;

(*b*) two members of the Board of Governors;

(*c*) two representatives elected by the student body;

(*d*) the Dean or Director, as the case may be, of each faculty or department of Maimonides Schools;

(*e*) not fewer than three and not more than seven members of the faculty to be elected by the faculty.

Vacancy

(2) The body possessing the power of election or appointment may fill a vacancy on the Senate for the unexpired portion of any term.

Liability of members, etc.

9. Nothing herein contained has the effect or shall be construed to have the effect of rendering all or any of the members or officers of Maimonides Schools, or any person whatsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of Maimonides Schools or for or on account or in respect of any matter or thing whatsoever relating to Maimonides Schools.

Tax exemption

10. Property vested in Maimonides Schools and any property leased to and occupied by Maimonides Schools are not liable for taxation for provincial, municipal or school purposes and are exempt from every description of such taxation, so long as the same are actually used and occupied for the purposes of the Maimonides Schools.

Application of statute of limitations

11. All property vested in Maimonides Schools shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public use of Ontario.

Real property not liable to expropriation

12. Real property vested in Maimonides Schools is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred extends to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Commencement

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The Maimonides Schools for Jewish Studies Act, 1968-69*.

CHAPTER

CHAPTER 154

An Act respecting March Diamond Drilling Limited

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS Cyril W. March, Daniel McLean and Donald Graff by their petition have represented that March Diamond Drilling Limited, herein called the Corporation, was incorporated by letters patent dated the 25th day of July, 1960; that the Provincial Secretary, by order dated the 24th day of November, 1966, and made under the authority of subsection 2 of section 326 of *The Corporations Act*, cancelled the letters patent of the Corporation and declared it to be dissolved on the 29th day of December, 1966; that the petitioners were all the directors and holders of all the common shares of the Corporation at the time of its dissolution; that the notice of default in filing annual returns required by the said subsection 2 of section 326 of *The Corporations Act* was sent to each of the persons of record on the files of the Department of the Provincial Secretary, of whom two, namely, Cyril W. March and Donald Graff, are petitioners; that the said notice was not received by Cyril W. March or Donald Graff and neither of them was aware of the dissolution of the Corporation until more than one year after the date thereof; that the Corporation at the time of its dissolution was actively carrying on the business authorized by its letters patent; and whereas the petitioners have prayed for special legislation reviving the Corporation; and whereas it is expedient to grant the prayer of the petition;

R.S.O. 1960, c. 71

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

March Diamond Drilling Limited revived

1. March Diamond Drilling Limited incorporated by letters patent dated the 25th day of July, 1960 is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all

its

its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The March Diamond Drilling Limited Act, 1968-69.*

CHAPTER 155

An Act respecting McMaster University

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

WHEREAS McMaster University by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The McMaster University Act, 1957*, is repealed and the following substituted therefor: 1957, c. 144, s. 4, re-enacted

4. The University, while recognizing the Christian tradition in which it was founded, shall be free in its management and discipline from the control of any religious body. University non-denominational

2. Section 11 of *The McMaster University Act, 1957*, as amended by section 3 of *The McMaster University Act, 1962-63*, is repealed and the following substituted therefor: 1957, c. 144, s. 11, re-enacted

11. The Board shall be composed as follows: Composition of Board

(*a*) The Chancellor, the President and the Vice-Chairman of the Senate, *ex officio*.

(*b*) Eighteen members to be elected for terms of four years by the Board.

(*c*) One member to be elected for a term of three years by the Board of Trustees of the Divinity College.

(*d*) Four members to be elected for terms of four years by the Alumni Association of the University from among the graduates of the University.

(*e*)

(*e*) Six members to be elected for terms of three years by the elected faculty members of the Senate from among the faculty members and *ex officio* members of the Senate, not fewer than two of such members to be elected from among the faculty members, and not fewer than two from the *ex officio* members of the Senate.

1957, c. 144, s. 12, re-enacted

3. Section 12 of *The McMaster University Act, 1957*, as amended by section 4 of *The McMaster University Act, 1962-63*, is repealed and the following substituted therefor:

Members eligible for re-election

12.—(1) Elected members of the Board shall be eligible for re-election by the Board for not more than two additional terms, provided they are not over the age of seventy years.

Vacancies

(2) Where a member of the Board who has been elected under clause *e* of section 11 ceases to be a member of the Senate he shall vacate his seat and it shall be the duty of the Board, by resolution, to declare vacant the seat of such member.

Seat declared vacant

(3) After thirty days notice to any elected or appointed member, the Board, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Board, may declare vacant the seat of such member.

Filling of vacancies

(4) Any vacancy in the seats of members of the Board elected under clause *e* of section 11 may be filled by election by the elected faculty members of the Senate, and the Board may fill any other vacancy on the Board for the balance of the term involved.

Quorum

(5) Notwithstanding any vacancies on the Board, as long as there are at least twenty members the Board may exercise its powers and ten members shall constitute a quorum.

Term of office

(6) Notwithstanding the expiration of the term for which he was elected, a member of the Board shall continue to hold office until his successor is elected.

Chairman

(7) The Board shall elect a Chairman and a Vice-Chairman from among its members.

Minutes and records

(8) The Board shall keep proper records and minutes of its proceedings and proper books of account of the financial affairs of the University.

4.—(1) Clause *a* of section 13 of *The McMaster University Act, 1957*, as amended by section 5 of *The McMaster University Act, 1962-63*, is repealed and the following substituted therefor: 1957, c. 144, s. 13, cl. *a*, re-enacted

(*a*) to appoint and remove the President and one or more Vice-Presidents, the Deans, the University Librarian, the University Registrar, the Director of Student Affairs, the Director of Continuing Education, the professors, and other members of the teaching staff of the University, provided that,

(i) the President shall be appointed from among such persons as may be nominated by the Senate after the Senate has requested, received and considered a recommendation from a committee composed of five persons to be named by the Board and five persons to be named by the Senate, which committee shall appoint its own chairman and determine its own procedure, and any recommendation of the committee shall be made in writing and signed by at least eight members and delivered to the Senate within nine months after the date on which the Senate shall have named the five persons to be named by it, and failing such recommendation, the Senate may nominate and the Board may appoint the President, and

(ii) all other such appointments of the Board, except in cases of term appointments of teaching staff, shall be made from among such persons as may be recommended by the President and nominated by the Senate,

and to appoint and remove all other officers, agents and servants of the University, and whenever there is a vacancy in the office of the President, to appoint an acting President to hold office during the pleasure of the Board or until a President is appointed.

(2) The said section 13 is amended by adding thereto the following clauses: 1957, c. 144, s. 13, amended

(*f*) to make by-laws for the conduct of its elections;

(*g*) to make recommendations to the Senate as to educational policy.

5.

1957, c. 144, s. 14, re-enacted

5. Section 14 of *The McMaster University Act, 1957*, as amended by section 6 of *The McMaster University Act, 1962-63*, is repealed and the following substituted therefor:

Composition of Senate

14. The Senate shall be composed as follows:

(*a*) The Chancellor, the President and the Vice-Presidents, the senior Deans of the several faculties, the Dean of Graduate Studies, the Dean of Degree Studies in Extension, the Principal of the Divinity College, the University Librarian, the Director of Continuing Education and the Director of Student Affairs, *ex officio*.

(*b*) Six members to be elected for terms of three years by and from the Board.

(*c*) Four members to be elected for terms of three years by the Alumni Association of the University from among the graduates of the University.

(*d*) Six students of the University, being four from the full-time undergraduate student body and two from the full-time graduate student body, elected in such manner and for such term and having such qualifications as may be prescribed by by-laws of the Senate.

(*e*) Members equal in number to the total of *ex officio* and elected members hereinbefore provided for, to be elected for terms of three years by the full-time teaching staff of the University and the Divinity College, from among the full-time professors, associate professors and assistant professors on regular appointment by the Board or by the Board of Trustees of the Divinity College.

(*f*) The Registrar of the University who shall not vote on matters requiring a vote of the Senate.

1957, c. 144, s. 15, re-enacted

6. Section 15 of *The McMaster University Act, 1957*, is repealed and the following substituted therefor:

Members eligible for re-election

15.—(1) Members of the Senate elected under clause *b*, *c* or *e* of section 14 shall be eligible for re-election for one additional term, and thereafter members

elected

elected under clause *e* of section 14 shall be eligible for re-election after three years from the expiration of their last term.

Vacancies

(2) Where a member of the Senate who has been elected under clause *e* of section 14 ceases to be a full-time member of the teaching staff, on regular appointment by the Board or by the Board of Trustees of the Divinity College, he shall vacate his seat and it shall be the duty of the Senate, by resolution, to declare vacant the seat of such member.

Idem

(3) Any vacancy in the seats of members of the Senate elected under clause *d* of section 14 may be filled by election in such manner as may be prescribed by by-laws of the Senate.

Idem

(4) Any vacancy in the seats of members of the Senate elected under clause *e* of section 14 may be filled by election by the full-time teaching staff of the University and the Divinity College and the Senate may fill any other vacancy in the Senate for the balance of the term involved.

Seat declared vacant

(5) After thirty days notice to any elected member, the Senate, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Senate, may declare vacant the seat of such member.

Quorum

(6) Notwithstanding any vacancies on the Senate, as long as there are at least thirty members, the Senate may exercise its powers, and ten members or such greater number as is provided for in the by-laws shall constitute a quorum.

Term of office

(7) Notwithstanding the expiration of the term for which he was elected, a member of the Senate shall continue to hold office until his successor is elected.

Chairman and Vice-Chancellor

(8) The President shall be Chairman of the Senate and Vice-Chancellor of the University.

Vice-Chairman

(9) One of the Vice-Presidents, designated by the President, shall be the Vice-Chairman of the Senate.

Secretary

(10) The Registrar of the University shall be, *ex officio*, Secretary of the Senate.

1957, c. 144, s. 16, cl. *b*, re-enacted

7.—(1) Clause *b* of section 16 of *The McMaster University Act, 1957*, as amended by section 7 of *The McMaster University Act, 1962-63*, is repealed and the following substituted therefor:

(*b*) subject to clause *a* of section 13, to nominate for appointment by the Board the President and one or more Vice-Presidents, the Deans, the University Librarian, the University Registrar, the Director of Student Affairs, the Director of Continuing Education, the professors and other members of teaching staff of the University, except in cases of term appointments of teaching staff.

1957, c. 144, s. 16, amended

(2) The said section 16 is amended by adding thereto the following clauses:

(*k*) to make by-laws for the conduct of its elections;

(*l*) to make recommendations to the Board on any subject of concern to the University.

1957, c. 144, s. 19, repealed

8. Section 19 of *The McMaster University Act, 1957*, is repealed.

Reconstitution of Board

9.—(1) The Board shall be reconstituted in accordance with section 11 of *The McMaster University Act, 1957*, as re-enacted by section 2 of this Act, within 120 days after the coming into force of this Act, and the members now in office shall continue in office until the Board has been so reconstituted.

Reconstitution of Senate

(2) The Senate shall be reconstituted in accordance with section 14 of *The McMaster University Act, 1957*, as re-enacted by section 5 of this Act, within 120 days after the coming into force of this Act, and the members now in office shall continue in office until the Senate has been so reconstituted.

First election

(3) Notwithstanding sections 11 and 14 of *The McMaster University Act, 1957*, as re-enacted by sections 2 and 5, respectively, of this Act, on the first election of members of the Board and Senate after the coming into force of this Act,

(*a*) of those members of the Board elected under clause *b* of section 11, four shall be elected for a term of one year, four shall be elected for a term of two years, four shall be elected for a term of three years, and six shall be elected for a term of four years;

(*b*) of those members of the Board elected under clause *d* of section 11, one shall be elected for a term of one year, one shall be elected for a term of two years, one shall be elected for a term of three years, and one shall be elected for a term of four years;

(*c*) of those members of the Board elected under clause *e* of section 11 and those members of the Senate elected under clause *b* of section 14, two shall be elected for a term of one year, two shall be elected for a term of two years and two shall be elected for a term of three years;

(*d*) of those members of the Senate elected under clause *c* of section 14, one shall be elected for a term of one year, one shall be elected for a term of two years, and two shall be elected for a term of three years;

(*e*) of those members of the Senate elected under clause *e* of section 14, eleven shall be elected for a term of one year, eleven shall be elected for a term of two years, and the remainder shall be elected for a term of three years.

Commencement

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The McMaster University Act, 1968-69*.

CHAPTER 156

An Act respecting the Town of Mississauga

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the Town of Mississauga in the County of Peel by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-laws authorized

1. Notwithstanding *The Municipal Franchises Act*, the council of The Corporation of the Town of Mississauga may pass by-laws pursuant to paragraph 88 of subsection 1 of section 379 of *The Municipal Act* without the assent of the municipal electors.

R.S.O. 1960, cc. 255, 249

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Town of Mississauga Act, 1968-69*.

CHAPTER 157

An Act respecting the Town of Mitchell

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the Town of Mitchell, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law re issue of debentures

1. The council of the Corporation is hereby authorized to pass a by-law, without obtaining the approval of the Ontario Municipal Board, providing for the issue of debentures of the Corporation in a principal amount not exceeding $20,000, payable in not more than ten years, to defray the cost of acquiring land for the purposes of establishing a sanitary land fill area.

Application of R.S.O. 1960, c. 274

2. Sections 55, 56, 57 and 58 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under section 1 and the debentures to be issued thereunder.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Town of Mitchell Act, 1968-69*.

CHAPTER 158

An Act respecting the City of Niagara Falls

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the City of Niagara Falls, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreements for relief from requirements to provide parking

1.—(1) The council of the Corporation may enter into an agreement with the owner or occupant of a building or structure to be erected or used providing for relief, to the extent set out in the agreement, from any requirement in any by-law of the Corporation for the provision or maintenance of parking facilities on land that is not part of a highway, and exempting such owner or occupant, to the extent specified in the agreement, from the necessity of providing or maintaining such facilities.

Agreements approved by O.M.B.

(2) Every agreement referred to in subsection 1 shall,

(*a*) be subject to the approval of the Ontario Municipal Board given either before or after the execution thereof; and

(*b*) require the payment to the Corporation of a sum of money therein set out, either in a lump sum or by instalments, together with interest at a rate therein specified, and shall set forth the basis upon which the sum is computed.

Payments under agreements held as fund for purpose of parking facilities R.S.O. 1960, c. 408

(3) All moneys paid or to be paid pursuant to an agreement referred to in subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the moneys in such special account

shall

shall be expended for the same purposes and in the same manner as a reserve fund provided for in paragraph 67 of section 377 of *The Municipal Act*.

R.S.O. 1960, c. 249

Registration of agreement imposes lien on land

(4) Any such agreement may be registered against the land affected thereby in the proper registry or land titles office, and, when so registered, the amounts payable under such an agreement until paid shall be a lien or charge upon the lands described therein and may be collected in the same manner and with the same remedies as provided by *The Assessment Act* and *The Department of Municipal Affairs Act* for the collection of real property taxes, and, upon payment in full of the moneys to be paid under the agreement or upon termination of the agreement, there shall be registered in the proper registry or land titles office against such lands a certificate from the clerk of the Corporation stating that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

R.S.O. 1960, cc. 23, 98

Audit of fund

(5) The city auditor in his annual report shall report on the activities and position of any special account established under this section.

By-law levying parking lot cost against defined area

2. Where the council of the Corporation, with the approval of the Ontario Municipal Board, has passed a by-law under paragraph 67 of section 377 of *The Municipal Act*, which provides that the capital cost or any part thereof, the annual rental payable under any lease or any operating deficit in the previous year shall be levied against specified parcels of land within a defined area and, subsequent to the effective date of the by-law imposing the levy, the council is of the opinion that,

(*a*) there has been an increase or decrease in the special benefit derived therefrom by a parcel of land in the defined area against which a portion of the cost has been levied;

(*b*) a parcel of land in the defined area has begun to derive or has ceased to derive a special benefit therefrom; or

(*c*) a parcel of land outside the defined area has begun to derive a special benefit therefrom,

the council may at any time and from time to time by a further by-law, passed with the approval of the Ontario Municipal Board,

(*d*) redefine the area in the municipality that, in the

opinion of the council, contains the lands that derive a special benefit from the by-law; or

(*e*) reapportion the balance of the cost mentioned in subclause i of clause *g* of paragraph 67 of section 377 of *The Municipal Act*, so that such cost shall be apportioned against each parcel of land that, in the opinion of the council, derives such special benefit. R.S.O. 1960, c. 249

3.—(1) In this section, "drainage works" and "maintenance" mean drainage works and maintenance as defined in *The Drainage Act, 1962-63.* Interpretation 1962-63, c. 39

(2) Notwithstanding *The Drainage Act, 1962-63*, the council of the Corporation may pass by-laws to authorize the maintenance of all drainage works in the City of Niagara Falls or in any defined area thereof, and to provide that the cost of such maintenance shall be charged and collected by a special rate sufficient therefor, levied upon all the rateable property in the City of Niagara Falls or in any such defined area. By-laws authorizing maintenance of drainage works

(3) By-laws passed under subsection 2 may authorize all persons engaged in such works to enter upon such lands within the City of Niagara Falls as may be necessary therefor, without leave or consent of the owner or any other person, provided that no person shall cause any unnecessary damage to any property in so doing. Idem

(4) No by-law passed under this section shall be repealed. Idem

4.—(1) In this section, "municipal works" includes sidewalks, curbing, gutters, culverts, and paved boulevards. Interpretation

(2) The council of the Corporation may, and is declared to have had the power to, pass by-laws for regulating the crossing of municipal works by vehicles, machinery or equipment of any kind delivering materials to or removing materials from or performing work on abutting lands on, to or from which any building or structure is being erected, altered, repaired, demolished or moved and for requiring the owners of such abutting lands, upon any application for the issuing of a permit certifying to the approval of the plans of a building or structure to be erected, altered or repaired thereon or upon any application for a permit to demolish or move a building or structure thereon or therefrom, to pay to the Corporation a sum of money not to exceed $5 per foot of the limit of the lot abutting directly on such municipal works as a deposit to meet the cost of repairing any damage to the municipal works or to any water service box or other service or utility of the Corporation caused during the erection, alteration, repair, demolition or removal of such building or structure. Deposit re damage to sidewalks, etc., upon issue of building permit

Refund

(3) Where a by-law passed under this section requires the payment of a deposit to meet the cost of repairing damage to municipal works or to any water service box or other service or utility of the Corporation, the by-law shall provide that upon the completion of the erection, alteration, repair or removal and upon application by the person by whom the deposit was paid, the amount by which the sum deposited exceeds the cost of such repairs shall forthwith be refunded.

Unclaimed deposits

(4) Where any moneys heretofore or hereafter paid to the Corporation to cover the cost of repairs to municipal works or to any water service box or other service or utility of the Corporation, remain unclaimed in the hands of the treasurer of the Corporation for a period of six years, the treasurer of the Corporation may insert in any newspaper having general circulation in the City of Niagara Falls a notice containing a list of such unclaimed moneys and stating that all persons having any claim to any of such moneys are required to prove their claims within ninety days from the publication of the notice, and, upon the expiration of ninety days from the publication of such notice, the treasurer of the Corporation may transfer all of such moneys against which no claim has been made to the general funds of the Corporation free of and from any and all claims of any kind whatsoever.

Cost of prevention

(5) Without limiting the generality of subsection 1, a by-law passed under this section may require that the owner or occupier of the lands take all necessary steps to prevent building material, waste or soil from being spilled or tracked onto the public streets by vehicles, machinery or equipment going to or coming from the lands during the course of the erection, alteration, repair, demolition or removal and may provide that, in addition to any penalty otherwise provided by law, the owner or occupier shall be responsible to the Corporation for the cost of removing such building material, waste or soil and the cost may be deducted from the deposit.

Interpretation

5.—(1) In this section, "dwelling" means any building, part of a building, tent, trailer or other covering or structure and the contents thereof, the whole or any portion of which has been used, is used or is capable of being used for the purposes of human habitation, with the land and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.

Order for demolition of dwelling R.S.O. 1960, c. 321

(2) Upon the expiration of one year following the closing of any dwelling, pursuant to section 99 of *The Public Health Act*, as unfit for human habitation or dangerous to health, and upon the report of the medical officer of health that such dwelling is unfit for human habitation or dangerous to health,

the council of the Corporation may, by by-law passed at any general meeting thereof by a vote of three-fourths of all the members of the council, order the removal or demolition of such dwelling, and the cleaning and clearing of the lands and premises appurtenant thereto.

Notice of by-law

(3) A certified copy of the by-law shall be registered in the proper registry or land titles office and the clerk of the Corporation shall thereafter cause notice of the by-law to be sent by registered mail to the last-known address of the assessed owner of the land described in the by-law and to all persons appearing by the records of the said registry office or land titles office and the office of the sheriff of the County of Welland to have an interest therein and the owner or assessed owner and any person appearing by the records of the said registry office, land titles office or sheriff's office to have an interest in the said land has a right of appeal to a judge of the county court of the County of Welland from the decision of the council to remove or demolish a dwelling by written notice of appeal delivered to the clerk of the Corporation within thirty days after the date of sending the notice of the by-law.

Appeal

Contents of notice

(4) The notice of the by-law shall include a copy of the by-law and shall set out the method and time for appealing from the decision of the council of the Corporation.

Power of Building Inspector to carry out order

(5) Unless notice of an appeal is received by the clerk of the Corporation within the time stated in subsection 3, the decision of the council of the Corporation to remove or demolish the dwelling, and clean and clear the lands appurtenant thereto, may be carried out forthwith by the Building Inspector of the Corporation on behalf of the Corporation, and for this purpose the Corporation with its servants and agents may from time to time enter upon the lands of the owner, and the Corporation is not liable to compensate the owner or any other person by reason of anything done by or on behalf of the Corporation under the authority of this section.

Lien

(6) The amounts expended by or on behalf of the Corporation in carrying out the decision of the council to remove or demolish the dwelling, and to clean and clear the lands appurtenant thereto shall be a lien or charge upon the land described in the by-law and the certification of the clerk of the Corporation as to the amounts so expended shall be final and such amounts shall be collected in the same manner and with the same remedies as provided by *The Assessment Act* and *The Department of Municipal Affairs Act* for the collection of real property taxes.

R.S.O. 1960, cc. 23, 98

(7)

Hearing of appeal

(7) If the decision of the council of the Corporation is appealed, the clerk of the Corporation shall obtain an appointment for a hearing before a judge of the county court of the County of Welland and shall give notice thereof by such means and to such persons as the judge may require.

Order of judge

(8) After hearing the persons who attend on the appeal, the judge may confirm the decision of the council of the Corporation and dismiss the appeal, in which case the Corporation may proceed forthwith to remove or demolish the dwelling, and clean and clear the lands appurtenant thereto, or the judge may make such other order as he deems advisable in the circumstances.

Authority to enter and inspect

6. Such municipal officer of the Corporation as is assigned the responsibility of administering and enforcing the building by-law of the Corporation or of any by-law to provide for the safety of buildings or structures may, at all reasonable times and upon producing proper identification, enter and inspect, either by himself or accompanied by one assistant, any land, building, structure or premises for the purpose of carrying out any of his duties under such by-law or by-laws.

Anti-noise by-laws R.S.O. 1960, c. 249

7.—(1) Notwithstanding paragraph 114 of subsection 1 of section 379 of *The Municipal Act*, the council of the Corporation may pass by-laws for regulating or prohibiting the making or causing of noises or sounds anywhere within the City of Niagara Falls that disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity, or that are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public, and such by-laws may make different regulations or prohibitions for different areas of the City of Niagara Falls and may provide in exceptional cases that such noises may, with the permission of the Mayor, be permitted for limited periods.

Motor vehicles

(2) Without limiting the generality of subsection 1 and subject to the approval of the Minister of Transport, the council of the Corporation may pass by-laws prohibiting the driving or operating of motor vehicles in the City of Niagara Falls that create undue noise.

By-laws re storm water

8. The council of the Corporation may, and is declared to have had the power to, pass by-laws to regulate and prohibit in such area or areas of the City of Niagara Falls as may appear proper the emptying of storm water into sewers designated to carry sanitary sewage or the emptying of sanitary sewage into sewers designated to carry storm water.

9.—(1) In this section, "vehicle" means a vehicle as defined in *The Highway Traffic Act.* Interpretation R.S.O. 1960, c. 172

(2) The council of the Corporation may pass by-laws for prohibiting the parking of vehicles on all or part of any public lane and for prohibiting traffic thereon in any but one direction. By-laws re public lanes

10. The council of the Corporation may pass by-laws prohibiting the sale of fruits, candy, peanuts, ice cream, ice cream cones, frozen or iced milk, frozen or iced desserts, potato chips, French fried potatoes or other refreshments or confections from a basket or wagon, cart or other vehicle upon any highway, or part of it, or in any public park or other public place within the City of Niagara Falls or any defined area or areas thereof. Prohibition of street vending of refreshments

11. The council of the Corporation may, out of current revenues of the Corporation, in any year grant such sum or sums of money, not exceeding in the aggregate $10,000 in any one year, in aid of institutions, associations or persons carrying on or engaged in works, which in the opinion of the council are for the general advantage of the inhabitants of the City of Niagara Falls, and for which grant or grants there is no express authority provided by any other Act. Grants to institutions etc.

12.—(1) Where farm lands containing not less than five acres and used exclusively for farm purposes and having a greater frontage than 200 feet abutting directly on the work are hereafter specially assessed with a special rate per foot frontage imposed under *The Local Improvement Act*, *The Municipal Act* or *The Ontario Water Resources Commission Act* in respect of the owner's portion of the cost of construction of watermains, storm sewers, sanitary sewers, sidewalks or curbs, the council of the Corporation, upon the application of the owner of such lands, may by by-law or by-laws postpone the payment of the amount of the special assessment referable to such part of the assessed frontage of the said lands in excess of 200 feet as the by-law may provide until such time as the said lands cease to be used exclusively for farm purposes. By-laws postponing special rate re farm lands in excess of 200 feet R.S.O. 1960, cc. 223, 249, 281

(2) In each year during which payment of special assessments has been postponed in accordance with this section, there shall be levied and raised for the payment of part of the principal and interest on any debentures issued to pay for the cost of the work specially assessed, a sum equal to the aggregate of the amounts of the special assessments for which payment has been postponed and such sum shall be levied and Sum equal to amount of postponed assessments to be levied

raised

raised in the manner provided in *The Municipal Act* upon all rateable property in the urban service area of the City of Niagara Falls as defined in *The City of Niagara Falls Act, 1962-63* and as altered by by-laws of the Corporation approved by the Ontario Municipal Board.

1962-63, c. 175

When postponed amounts become due

(3) When the lands in the opinion of the council of the Corporation cease to be used exclusively for farm purposes, the amount of any special assessment for which payment has been postponed together with simple interest thereon at the rate provided in any debentures issued to pay for the cost of the work specially assessed, shall become due and payable forthwith upon demand by the Corporation and all sums so received shall, during the currency of any such debentures, be applied on account of the amount being levied for annual instalments of principal and interest on such debentures against the rateable property in the urban service area and after such debentures have been retired shall be applied in reduction of the general urban service area rate.

Notice to owner

(4) The clerk of the Corporation shall forthwith give notice by registered mail to each assessed owner of land affected by a by-law passed under subsection 1, and any demand under subsection 3 shall be made by registered mail addressed to the assessed owner.

Treasurer to keep record

(5) The treasurer of the Corporation shall keep a record of all special assessments in respect of which a by-law has been passed under subsection 1 and of the amounts of such special assessments which have been paid and for which payment has been postponed, respectively, in each year.

Registration of by-law

(6) Every by-law passed under subsection 1 shall be registered against the land affected in the proper registry or land titles office.

Registration of certificate of payment

(7) Where a by-law postponing the payment of part of a special assessment has been registered under subsection 6 and the whole of such special assessment has been paid to the Corporation in respect of a particular parcel of land affected by the by-law, the Corporation shall register a certificate of such payment against such parcel of land in the proper registry or land titles office.

Notice of intention to appeal

(8) Any person complaining that a demand under subsection 3 should not have been made, may, within fourteen days after the mailing of such demand, notify the clerk of the Corporation of his intention to appeal to the court of revision.

(9) The court of revision and the county judge, in any appeal against a special assessment described in subsection 1 or a demand made under subsection 3, shall have regard to the provisions of this Act. Procedure on appeal

(10) The provisions of *The Assessment Act* as to appeals to the court of revision and to the county court judge shall, so far as applicable, regulate and govern the procedure to be followed on appeals under this section. Idem R.S.O. 1960, c. 23.

(11) The court of revision and the county judge, in dealing with appeals under this section, have full power to decide the amount, if any, of the frontage in excess of 200 feet in respect of which payment of the special assessment should be postponed and whether or not lands have ceased to be used exclusively for farm purposes, and the council of the Corporation shall take such action including, where necessary, the passing of any by-law or amending by-law as may be required to give effect to such decision. Power vested in court of revision and judge

13. Part XXI of *The Municipal Act* applies to any by-laws passed under the authority of sections 4, 7, 8, 9 and 10 of this Act. Application of R.S.O. 1960, c. 249

14. Section 2, and section 3 as amended by section 2 of *The City of Niagara Falls Act, 1931*, of *The City of Niagara Falls Act, 1922* are repealed. 1922, c. 119, ss. 2, 3, repealed

15. This Act comes into force on the day it receives Royal Assent. Commencement

16. This Act may be cited as *The City of Niagara Falls Act, 1968-69*. Short title

CHAPTER

CHAPTER 159

An Act respecting Ontario Co-operative Credit Society

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS Ontario Co-operative Credit Society by its petition has represented that it was incorporated by *The Ontario Co-operative Credit Society Act, 1949*, with an authorized capital of $1,000,000 divided into 100,000 shares having a par value of $10 each; that by *The Ontario Co-operative Credit Society Act, 1961-62* the authorized capital was increased to $3,000,000 by the creation of an additional 200,000 shares having a par value of $10 each; and whereas the petitioner has prayed for special legislation increasing its authorized capital to $10,000,000; and whereas it is expedient to grant the prayer of the petition;

1949, c. 133

1961-62, c. 162

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Authorized capital increased

1. The authorized capital of Ontario Co-operative Credit Society is increased from $3,000,000 to $10,000,000 by the creation of 700,000 shares having a par value of $10 each ranking in all respects *pari passu* with the existing 300,000 shares.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ontario Co-operative Credit Society Act, 1968-69*.

CHAPTER 160

An Act respecting the County of Ontario

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the County of Ontario by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Extension of time to take assessment and return roll R.S.O. 1960, c. 23

1. Notwithstanding section 56 of *The Assessment Act*, the time within which the assessment roll in the Township of Pickering in the County of Ontario was required to be taken and returned to the clerk in the year 1968 under the said section 56 is extended to and including the 16th day of January, 1969 and the court of revision shall hear and dispose of all appeals and shall certify the assessment roll not later than sixty days after this Act comes into force.

Validity and effect of roll

2. The assessment roll referred to in section 1, when returned and revised by the court of revision, shall have the same validity and effect as if such assessment roll had been returned and revised in the year 1968 within the time prescribed by section 56 of *The Assessment Act*.

Rights of appeal preserved

3. Notwithstanding anything in this Act, the rights of appeal of all persons under *The Assessment Act* and the times for appealing to the court of revision, the county court judge, the Ontario Municipal Board and every court to which an appeal may be made in respect of the assessment roll referred to in section 1 are preserved and continued to such extent as may be necessary to give effect to this Act.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The County of Ontario Act, 1968-69*.

CHAPTER 161

An Act respecting the Town of Parry Sound

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the Town of Parry Sound by its petition has represented that prior to 1963 the councils of the municipalities of the Town of Parry Sound, the Village of Rosseau, the Township of Carling, the Township of Christie, the Township of Foley, the Township of Hagerman, the Township of Humphrey, the Township of McDougall, the Township of McKellar and the Township of McMurrich entered into an agreement for the construction of a Home for the Aged, the cost of which was to be shared by the said municipalities in proportion to their equalized assessments made pursuant to *The Homes for the Aged Act*; R.S.O. 1960, c. 174 that in 1963 the equalized assessment for the Township of McDougall, one of the participating municipalities, was, pursuant to *The Homes for the Aged Act*, substantially reduced by the Department of Municipal Affairs from what it had been in previous years; that under subsection 20 of section 104 of *The Assessment Act* an appeal by any municipality R.S.O. 1960, c. 23 from the last revised assessment as equalized for any purpose by the Department of Municipal Affairs must be made within thirty days after the mailing of the last revised assessment rolls as equalized to the municipality; and whereas the petitioner has prayed for special legislation to allow an appeal to be made to the Ontario Municipal Board from the decision of the Department of Municipal Affairs equalizing the assessments in 1963 for the participating municipalities in order to remedy any error or miscalculation that might have been made; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Appeal to O.M.B.

1. Notwithstanding subsection 20 of section 104 of *The Assessment Act*, the council of The Corporation of the Town of Parry Sound may appeal the decision of the Department of Municipal Affairs made pursuant to *The Homes for the Aged Act* equalizing the assessment for the municipalities on the R.S.O. 1960, cc. 23, 174

west

west side of the Parry Sound District for the year 1963 to the Ontario Municipal Board within ninety days after this Act comes into force.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Town of Parry Sound Act, 1968-69*.

CHAPTER 162

An Act respecting the County of Peel

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

WHEREAS The Corporation of the County of Peel by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding section 56 of *The Assessment Act*, the time within which the assessment roll of each ward in the Township of Chinguacousy in the County of Peel was required to be taken and returned to the clerk in the year 1968 under the said section 56 is extended to and including the 31st day of December, 1968 and the court of revision shall hear and dispose of all appeals and certify such assessment rolls not later than sixty days after this Act comes into force. Extension of time to take assessment and return roll R.S.O. 1960, c. 23

2. The assessment rolls referred to in section 1, when returned and revised by the court of revision, shall have the same validity and effect as if such assessment rolls had been returned and revised in the year 1968 within the time prescribed by section 56 of *The Assessment Act*. Validity and effect of roll

3. Notwithstanding anything in this Act, the rights of appeal of all persons under *The Assessment Act* and the times for appealing to the court of revision, the county court judge, the Ontario Municipal Board and every court to which an appeal may be made in respect of the assessment rolls referred to in section 1 are preserved and continued to such extent as may be necessary to give effect to this Act. Rights of appeal preserved

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The County of Peel Act, 1968-69*. Short title

CHAPTER 163

An Act respecting the City of Peterborough

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the City of Peterborough by its petition has represented that on the 7th day of October, 1968 the council of The Corporation of the City of Peterborough gave first and second readings to By-law No. 1968-130, entitled "A by-law to authorize The Corporation of the City of Peterborough to enter into an agreement with Border Transit Limited granting to Border Transit Limited the exclusive right to operate buses for the conveyance of passengers within the limits of the City of Peterborough for a period of five years from the 1st day of January, 1969 and obligating the Corporation to pay annually to Border Transit Limited such amount of money as may be necessary to provide Border Transit Limited with a profit in the operations of such buses to the extent set out in the said agreement,"; that the by-law has been assented to by the municipal electors qualified to vote on money by-laws for the City of Peterborough; and whereas the Corporation has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Authorization to enter into agreement

1. The council of The Corporation of the City of Peterborough is hereby authorized to give third reading to and finally pass By-law No. 1968-130, set forth in the Schedule hereto, to enter into the agreement forming part of the by-law and to enact the by-law referred to in paragraph 16 of the agreement in the form set forth in Schedule "A" to the agreement.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Peterborough Act, 1968-69*.

SCHEDULE

SCHEDULE

BY-LAW NUMBER 1968-130

A BY-LAW to authorize The Corporation of the City of Peterborough to enter into an agreement with Border Transit Limited granting to Border Transit Limited the exclusive right to operate buses for the conveyance of passengers within the limits of the City of Peterborough for a period of five years from the 1st day of January, 1969 and obligating the Corporation to pay annually to Border Transit Limited such amount of money as may be necessary to provide Border Transit Limited with a profit in the operations of such buses to the extent set out in the said agreement.

THE CORPORATION OF THE CITY OF PETERBOROUGH by the Council thereof enacts as follows:

1. That the Agreement between the Corporation of the City of Peterborough and Border Transit Limited set forth in the schedule attached hereto and forming part of this By-law is hereby approved and authorized.

2. That the Mayor and Clerk are hereby authorized and directed to enter into, execute, affix the corporate seal and deliver the said agreement on behalf of the Corporation of the City of Peterborough.

READ A FIRST AND SECOND TIME this 7th day of October, 1968.

JOSEPH J. BEHAN, *Mayor.*

E. A. OUTRAM, *Clerk.*

READ A THIRD TIME and finally passed this day of , 1969.

Mayor.

Clerk.

SCHEDULE

THIS AGREEMENT made in duplicate this 8th day of October, A.D. 1968.

BETWEEN:

THE CORPORATION OF THE CITY OF PETERBOROUGH,

hereinafter called the Corporation,

OF THE FIRST PART

— and —

BORDER TRANSIT LIMITED,

hereinafter called the Company,

OF THE SECOND PART.

WHEREAS the Parties hereto entered into an Agreement dated the 5th day of November, 1963, relating to conveyance of passengers by bus, which Agreement expires on the 31st day of December, 1968;

AND WHEREAS the Parties hereto are desirous of entering into a further Agreement upon the terms and conditions hereinafter set out;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and other good and valuable consideration, the parties hereto hereby agree as follows:

1. In this agreement the words "deficit", "depreciation", "net profit" and "capital assets" are used with reference only to the maintenance and operation of buses by the Company for the conveyance of passengers within the limits of the City of Peterborough in accordance with the terms of this agreement and other operations presently carried on by the Company within the limits of the City of Peterborough, it being understood that the Company is under no obligation to continue such other operations.

2. Subject to the due performance by the Company of its obligations under this Agreement, the Corporation hereby grants to the Company the exclusive right to maintain and operate buses for the conveyance of passengers within the limits of the City of Peterborough for a period of five (5) years from and including the 1st day of January, 1969, to and including the 31st day of December, 1973. The franchise hereby granted relates only to the picking up, conveyance and discharge of passengers within the limits of the City of Peterborough and does not extend or apply to the operation of buses operating between any point within the City of Peterborough and points outside the City of Peterborough where passengers are not conveyed from one point within the City of Peterborough to another and does not apply to passengers conveyed within the City of Peterborough by taxi cab or ambulance. WITHOUT RESTRICTING the generality of the foregoing, it is understood and agreed that the Company shall have the exclusive right to pick up, convey and discharge students within the limits of the City of Peterborough, and the exclusive right to enter into and contract for the conveyance of students within the limits of the said City of Peterborough.

3. During the period of this Agreement the Company shall maintain and operate an adequate number of buses of reasonably modern design and type for the conveyance of passengers within the City of Peterborough on such routes and at such times as the Corporation shall by resolution determine and in the meantime on such routes and at such times as are set forth in the schedule forming part of the agreement between the parties dated April 20, 1958, as last varied by the parties. All buses so used shall

be

be kept at all times in a good and sufficient state of repair; shall be kept clean inside and out, and shall be lighted and heated at such hours and for such periods of the year as may be necessary. The Corporation agrees to consult with the Company with respect to proposed changes in routes and schedules but the decision of the Corporation in this regard shall be final. The Corporation will give the Company reasonable notice of any changes in routes and schedules.

4. During the term of this Agreement the Company shall pay to the Corporation an annual licence fee of $100.00 in two equal instalments on June 30th and December 31st.

5. The rate of fares for conveyance of passengers shall be

Adult fare — 20c. cash or 3 tickets for 50c.

Children under 58 inches in height — 10c. cash or 6 tickets for 50c.

Such fares shall not be changed, altered or otherwise varied by the Company without the consent of the Council of the Corporation as expressed by by-law;

6. During each of the years 1969, 1970, 1971, 1972 and 1973, the Corporation will pay to the Company annually a basic sum of $45,000.00 by monthly instalments of $3,750.00 each.

7. If the payment by the Corporation to the Company of the subsidy referred to in paragraph 6 hereof shall result in the Company making a net profit in any such year after payment of Federal and Provincial Corporation taxes of less than $15,050.00, the Corporation shall forthwith pay to the Company an additional amount equal to the difference between such net profit and the sum of $15,050.00 and if the payment of the said subsidy by the Corporation to the Company shall result in the Company making a net profit in any year after payment of Federal and Provincial Corporation taxes of more than $15,050.00 the Company shall forthwith pay to the Corporation an amount equal to the difference between such net profit and the sum of $15,050.00.

For the purposes of paragraph 7, net profits shall be determined after deducting from the gross revenue of the Company all reasonable and proper expenses, including an allowance for depreciation in the manner set out in paragraph 9 hereof provided that the Company shall not deduct as an expense any amount paid for managerial or executive salaries (including directors' and officers' fees) in excess of $15,000.00 per annum, without the consent of the Corporation.

8. In the Event that the Company shall fail to perform its obligations as set forth in this Agreement or in the event that the Corporation shall fail to fulfil its obligations as set forth in this Agreement, then either party shall have the right at any time thereafter to terminate this Agreement upon three (3) months' written notice to the other party. In the event this agreement is so terminated on a date other than the 31st day of December in any year, the amount of the subsidy referred to in paragraph 6 hereof for the year in which the termination occurs shall be reduced proportionately and in such event the amount of net profit where referred to in paragraph 7 hereof shall be reduced by the proportion that the period of the year remaining after the date of termination bears to the whole of the year and any amount payable by either the Corporation or the Company thereunder shall be adjusted accordingly.

9. For the purpose of calculating the payments referred to in Paragraph 7 hereof, the Company shall be entitled to an annual allowance of $19,000.00 for depreciation upon all buses and motor vehicles presently owned by the Company and subsequently acquired by it up to a maximum cost for such subsequent acquisitions of $110,000.00 provided that should the cost of acquisition of such additional buses and motor vehicles exceed $110,000.00 then the annual allowance shall be increased by 20% multiplied by the amount of such excess. The Company shall not be entitled to purchase capital assets of any kind at a cost in excess of $1,000.00 without the express consent of the Corporation as expressed by Resolution of the Council.

In addition, the Company shall be entitled to claim depreciation allowance on its capital assets other than buses or other motor vehicles at the maximum rates allowed by the Department of National Revenue. In such calculations no allowance shall be made by the Company for Corporation Income Tax payable by the Company with respect to the recapture of depreciation.

10. The Corporation will pay the Company by monthly payment on the 15th day of each month, one-twelfth of the basic amount set out in paragraph 6 hereof. Any amount payable by the Corporation or the Company, if any, pursuant to paragraph 7 hereof for operations of the previous year shall be paid to the Company or the Corporation within thirty days after receipt by the Corporation of an audited Profit and Loss Statement relating to the operations of said period. The auditor of the Corporation shall have the right at all reasonable times during the currency of this Agreement to examine and verify such of the Company's books of account, vouchers and records, as may be necessary to determine the profit or loss of the Company and the amount of subsidy payable hereunder or the amount to which the City is entitled to receive by way of refund.

11. The Company may apply in writing to the Council of the Corporation for a further renewal or extension of the Franchise granted and extended hereunder or as amended, and such application shall be filed with the Clerk of the Council of the Corporation on or before the 1st day of June, 1972.

12. The Company shall at all times during the said term indemnify and save harmless the Corporation, should the Corporation be held in any way liable for the operation of the Company's buses, and shall protect itself with an insurance policy or policies against accidents or liability to the public and/or passengers, and for property damage, as required by *The Highway Traffic Act* of the Province of Ontario and Regulations made thereunder, and *The Public Vehicles Act,* and the Company shall produce to the Council at a meeting held not later than the 1st day of March in every year every policy or guaranteed contract so made.

13. The Corporation shall during the said term by by-law provide sufficient bus stops as the Company may require to conduct its business of carrying passengers as may be agreed upon between the parties hereto and shall adequately mark said bus stops.

14. The Corporation shall during said term by by-law regulate traffic in the City of Peterborough to enable the Company to operate its buses efficiently.

15. The Council of the Corporation shall forthwith at its own expense take or cause to be taken all necessary steps to lawfully pass or cause to be passed, a by-law of the Corporation with the assent of the qualified electors, to authorize the Corporation to enter into this Agreement, and upon the date when said by-law is finally passed, this Agreement shall become effective.

16. The Corporation shall forthwith after this Agreement becomes effective, pass a By-law in the form set out as Schedule "A" hereto.

17. Upon the expiration of this Agreement or upon the termination of this agreement by either party pursuant to paragraph 8 hereof, the Corporation shall for a period of three months thereafter have a sole, irrevocable and exclusive option to purchase all the assets and property of the Company used in connection with its operations in the City of Peterborough at a price to be agreed upon by the parties or upon their failure to agree, at a price to be determined under the provisions of *The Arbitrations Act* of Ontario. It is agreed that in determining the price to be paid to the Company:

(*a*) nothing shall be taken into account or allowed for the franchise hereby granted;

(*b*) the price of buses and other motor vehicles acquired by the Company up until December 31, 1963 shall be the undepreciated capital cost thereof (which in this agreement means the original capital cost after deduction of accumulated depreciation allowance), the said undepreciated capital cost having been determined at December 31, 1963 to be $60,000.00. With respect to the buses or other motorized equipment purchased after the year 1963, the purchase price shall be the original capital cost less the depreciation allowances made by the Corporation from January 1, 1964 to the date of sale;

(*c*) the price of all other assets and property of the Company shall be the actual market value thereof at the date of acceptance of the option.

The said option may be accepted by the Corporation giving written notice of such acceptance to the Company delivered by registered mail at its place of business in the City of Peterborough and upon the acceptance of such option all the said assets and property of the Company shall forthwith become the property of the Corporation and the Company agrees to execute all such instruments and assurances as may be necessary to effectively transfer title in the said assets and property to the Corporation. Upon the price being determined as aforesaid it shall immediately become due and payable by the Corporation to the Company together with interest thereon at the rate of six per cent per annum calculated from the date of the acceptance of the option. In the event the Corporation fails to accept the option within the said period of three months, then the Corporation will immediately buy from the Company and the Company will immediately sell to the Corporation all buses and other motor vehicles acquired by the Company after January 1st, 1959, and then being used by the Company in connection with its operations in the City of Peterborough, at the undepreciated capital cost thereof.

18. The Company shall not be liable for damages arising from the cessation or interruption of the bus service herein caused by fire, flood, act of God, strike or other circumstance beyond the control of the Company.

19. The Company shall not assign this agreement and/or sell its assets and property used in connection with its operations in the City of Peterborough to any person or corporation without the express consent of the Corporation as expressed by by-law of the Council thereof provided, however, that such consent of the Corporation shall not be unreasonably withheld, and provided also that upon being advised by the Company of its intention to assign this agreement and/or sell its said assets or property the Corporation shall immediately become entitled to a sole, irrevocable and exclusive option for a period of three months thereafter to purchase all the said assets and property of the Company at the price and upon the terms and conditions set forth in paragraph 17 hereof and upon the acceptance of such option by the Corporation the franchise hereby granted shall immediately be terminated.

20. If at any time during or after the said term of the agreement any dispute, difference or question shall arise between the parties hereto, or any of their representatives, touching this agreement, or any part thereof, or the construction meaning or effect of this agreement or any part thereof, or anything herein contained, or the rights or liabilities of the parties, or their representatives, under this agreement or otherwise, in relation to the premises, and if said matter cannot be settled by the parties hereto by negotiation, then every such dispute, difference or question shall be referred to a single arbitrator, if the parties agree upon one, otherwise to three arbitrators, one to be appointed by each party to the reference, and the third arbitrator to be a Judge of any County of the Province of Ontario and to be appointed by the Parties hereto in writing before they enter upon the business of the reference. If either party shall refuse or neglect to appoint an arbitrator within thirty days after the other Party shall have appointed an arbitrator, and shall have served a written notice upon the first-mentioned party requiring such party to make such appointment, then the arbitrator first appointed shall, at the request of

the party appointing him, proceed to hear and determine the matter in difference as if he were a single arbitrator appointed by both parties for the purpose, and the award or determination which shall be made by the said arbitrator, shall be final and binding on the parties hereto their successors and assigns, and shall not be subject to appeal to any Court or Courts.

21. The Corporation agrees to appoint each year a special Committee for the purpose of assisting the Company in policy matters relating to routes, rates, and other matters relating to the efficient operation of the Company.

22. THIS AGREEMENT shall enure to the benefit of and be binding upon the parties hereto, their respective successors and assigns.

IN WITNESS WHEREOF the said Parties hereto have hereunto affixed their Corporate seals attested by the hands of their proper signing officers in that behalf.

THE CORPORATION OF THE CITY OF PETERBOROUGH:

Per:.....
Mayor.

.....
Clerk.

BORDER TRANSIT LIMITED:

Per:.....
President.

.....
Secretary.

Schedule "A" to the Agreement

BY-LAW No.

Being a By-law of the City of Peterborough passed for the purposes of fully carrying out the provisions of a certain Agreement between the Corporation of the City of Peterborough and Border Transit Limited.

WHEREAS the Corporation of the City of Peterborough on the day of , A.D. 196 , entered into an Agreement between Border Transit Limited granting to Border Transit Limited the exclusive right to operate buses for the conveyance of passengers within the limits of the City of Peterborough for a period of five years from the 1st day of January, 1969.

AND WHEREAS the said Agreement was authorized by By-law Number 196 , passed on the day of .

AND WHEREAS the said Act provided, among other things, that "The said Corporation is hereby authorized and empowered to pass such other by-laws, to enter into such other agreements, and to do all such other acts, matters and things as may be deemed necessary by the said Corporation to fully carry out the provisions of the said Agreement."

AND WHEREAS the said Act provided further that "Where jurisdiction respecting any of the matters mentioned in said Agreement is now or may hereafter be vested in the Police Commissioners of the said City, or any other authority, such powers as may be necessary to enable the Council to carry out the provisions of the said Agreement shall be exercised by the Council of the said Corporation instead of the said commissioners or other authority."

AND WHEREAS the within By-law is deemed necessary to fully carry out the provisions of the said Agreement.

NOW THEREFORE The Corporation of the City of Peterborough by the Council thereof enacts as follows:

INTERPRETATION

1. In this By-law,

(*a*) "omnibus" means a motor or other vehicle having a capacity for the conveyance of more than six persons at one time, besides the driver.

APPLICATION OF BY-LAW

2. The Provisions of this By-law do not apply with respect to,

(*a*) any vehicle operated by Border Transit Limited; or

(*b*) any ambulance or taxi cab lawfully operated under licence of the Board of Commissioners of Police of the City of Peterborough and for the regular city tariff; or

(*c*) any omnibus owned and operated by a Board of Education, School Board or private school or University; or

(*d*) any omnibus owned and operated by any person, corporation or organization for the purposes only of such person, corporation or organization and for which no fare or fee is charged for transportation nor paid directly or indirectly for the use of such equipment, or for the leasing thereof.

PROHIBITION

PROHIBITION

3.—(1) No person shall operate any vehicle for the conveyance of passengers for hire from any point within the limits of the City of Peterborough as such limits may be from time to time, to any other point therein; and no person shall allow any vehicle of which he is the owner or which is under his control to be so used.

(2) No person shall operate for the conveyance of passengers from any point within the limits of the City of Peterborough as such limits may be from time to time, to any other point therein, any omnibus which has been let for hire or which is owned or is usually operated or under the control of a person who lets vehicles for hire.

(3) No person who lets vehicles for hire shall allow any omnibus of which he is the owner or which is under his control to be used for the conveyance of passengers from any point within the limits of the City of Peterborough as such limits may be from time to time, to any other point therein, whether or not such omnibus has been let to a person who is to provide his own driver.

ENFORCEMENT

4. The members of the police force and the officers and servants of the city corporation shall not be obliged to enforce the provisions of this By-law.

PENALTY

5. Every person who contravenes any provision of this By-law shall upon conviction be liable to a penalty of not more than Three Hundred Dollars, exclusive of costs.

PASSED this day of , 19 .

City Clerk. *Mayor.*

CHAPTER 164

An Act respecting the City of Sarnia

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the City of Sarnia, herein called the Corporation, by its petition has represented that Sarnia Transit Company Limited, herein called the Company, is operating a bus transportation system in the City of Sarnia under the terms of an agreement bearing date the 1st day of August, 1959, that the agreement was authorized by By-law No. 4653 of the City of Sarnia; that the by-law and agreement were confirmed and declared to be and to have been on and after the 1st day of August, 1959 legal, valid and binding upon the parties thereto and their respective successors and assigns by Statutes of Ontario, 1960, Chapter 165, *The City of Sarnia Act, 1960*.

That a by-law of the Corporation to authorize the execution of an agreement bearing date the 4th day of November, 1968, with the Company and Mervyn Davies and W. John Davies, providing for the operation of the bus transportation system for a further period of ten years from the 1st day of September, 1969, was assented to on the 2nd day of December, 1968 by the municipal electors of the City of Sarnia qualified to vote on money by-laws; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law and bus franchise agreement confirmed

1. By-law No. 6108, passed by the council of the Corporation on the 9th day of December, 1968, and the agreement scheduled thereto, dated the 4th day of November, 1968, and made between the Corporation and the Company and Mervyn Davies and W. John Davies, granting to the Company an exclusive franchise to operate a bus transportation system in the City of Sarnia upon and subject to the terms and conditions set forth in the agreement, both as set forth in the Schedule hereto, are and each of them is hereby

confirmed

confirmed and declared to be valid and binding upon the parties thereto and their respective successors and assigns; and the council of the Corporation is hereby authorized and empowered to pass such by-laws, to enter into such other agreements and to do such other matters and things as may be deemed necessary by the Corporation for the full and proper carrying out of the provisions of the agreement.

Exclusive authority

2. No person other than the Company shall, during the term of the agreement in the Schedule, operate a local passenger transportation service within the City of Sarnia, with the exception of steam railways, taxis not operated as jitneys, buses owned and operated by a board of education, school board or private school, and buses owned and operated by any corporation or organization solely for the purposes of the corporation or organization, provided no fare or fee is charged for transportation.

R.S.O. 1960, c. 18, to apply

3. *The Arbitrations Act* applies to every arbitration under section 12 of the agreement in the Schedule and the board of arbitration shall consist of three persons, one appointed by each of the parties to the said agreement and the third by the two arbitrators so appointed.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Sarnia Act, 1968-69*.

SCHEDULE

SCHEDULE

BY-LAW NUMBER 6108

A BY-LAW to authorize an Agreement with Sarnia Transit Company Limited.

WHEREAS it is deemed expedient to authorize the execution of an Agreement between The Corporation of the City of Sarnia and Sarnia Transit Company Limited granting the said Company the exclusive right and franchise to maintain and operate buses for the conveyance of passengers in the City of Sarnia for a period of ten (10) years commencing on September 1st, 1969 on the terms set out in the said Agreement.

NOW THEREFORE the Municipal Council of The Corporation of the City of Sarnia enacts as follows:

1. That the proposed Agreement to be dated as of the 4th day of November, 1968 between The Corporation of the City of Sarnia and Sarnia Transit Company Limited granting to Sarnia Transit Company Limited the exclusive right and franchise to maintain and operate buses for the conveyance of passengers within the limits of the City of Sarnia for a period of ten (10) years commencing on the 1st day of September, 1969 (a copy of which Agreement is set out in the Schedule annexed hereto and forming part of this By-law) is hereby approved and authorized.

2. That the Mayor and Clerk of The Corporation of the City of Sarnia be and they are hereby authorized and directed to execute and deliver the said Agreement on behalf of The Corporation of the City of Sarnia and to affix the Corporate Seal of the Corporation thereto.

PASSED this 9th day of December, 1968.

PAUL D. BLUNDY,
Mayor.

G. A. M. THOMAS,
Clerk.

SCHEDULE TO BY-LAW NUMBER 6108

MEMORANDUM OF AGREEMENT made as of the 4th day of November 1968.

BETWEEN:

THE CORPORATION OF THE CITY OF SARNIA,
hereinafter called the "CITY"

OF THE FIRST PART,

— and —

SARNIA TRANSIT COMPANY LIMITED,
hereinafter called the "COMPANY"

OF THE SECOND PART,

— and —

MERVYN DAVIES, of the Township of Sarnia,
Bus Operator, and
W. JOHN DAVIES, of the City of Sarnia, in the
County of Lambton, Bus Operator,

hereinafter called the "PARTIES"

OF THE THIRD PART.

WHEREAS the City and the Company entered into an Agreement under which the Company has and is providing, operating and maintaining an adequate and efficacious public transportation system in the City of Sarnia for a period of ten (10) years from the 1st day of September, 1959;

AND WHEREAS it is desirable that the said transportation system should be continued for a further period of ten (10) years;

AND WHEREAS the Parties of the Third Part are the sole stockholders of the "Company".

NOW THEREFORE THIS AGREEMENT WITNESSETH that the Parties hereto have agreed as follows:

1. Subject to the assent of the municipal electors of the City as required under *The Municipal Franchises Act*, the City hereby grants to the Company the exclusive right and franchise to maintain and operate buses for the conveyance of passengers within the limits of the City as such limits may, from time to time, exist, for a period of ten (10) years from the 1st day of September, 1969 to the 31st day of August, 1979, both dates inclusive.

2. The Company shall provide an adequate and efficacious transportation system.

3. The rates for fares and charges to be charged by the Company initially shall be as set forth in the schedule hereto and shall be collected by and belong exclusively to the Company.

4. The City shall implement the establishment of an efficacious service by taking all steps necessary or desirable to that end, including without limiting the generality of the foregoing:

(*a*) Granting authority for the establishment and enforcement of recognized bus stops evidenced by signs for the exclusive use of buses;

(*b*) Granting authority for and enforcing the prohibition of parking within bus stop areas during the period of bus operation by the Company.

(*c*) Assuring the co-operation of the Police Force of the City in the expeditious movement of buses, particularly during rush hours, and when detours become necessary due to fires or other causes.

5. The Company shall not operate a bus route on any street of the City without first obtaining the consent of the City to operate on such street.

6. The Company, however, shall have the right to manage its business and run its buses on such schedules, at such times and on such routes as it may deem to be in the best interests of the transportation service.

7. The Company shall establish the tariff of fares and charges as set out in the schedule hereto and agrees that these shall not be changed by the Company during the period from 1st of September, 1969 to 31st of August, 1974 and thereafter these shall not be changed without prior notification to the Council of the City, and, except by order of the Ontario Municipal Board on application to it without the concurrence of the Council of the City. It is understood and agreed that, notwithstanding anything contained in paragraph 16 hereof, any decision of the Ontario Municipal Board affecting the tariff of fares and charges shall not preclude the Company from making more than one application during the term of this agreement subsequent to 31st of August, 1974 to change the tariff of fares and charges. It is further understood and agreed that the Company will not make an application for a change in the tariff of fares and charges more often than once in any period of twelve months without the concurrence of the Council of the City.

8. It is understood and agreed that the revenues and expenses pertaining to the operation of charter, interurban or special trips operated by the Company are excluded from the provisions of this agreement.

9. The City shall be responsible for the repair and maintenance of roadways, curbs and sidewalks on bus routes and at bus stops, and for the removal of snow and ice from bus routes and at bus stops, and the cost of such maintenance, repair or removal shall be borne by the City.

10. The City shall pay to the Company for the transportation service for the period from the 1st day of September, 1969 to the 31st day of August, 1970 the sum of $8,166.66 per month, which sum shall be payable on the 1st day of each month during the said period; and for the period from the 1st day of September, 1970 to the 31st day of August, 1971 the sum of $8,666.66 per month, which sum shall be payable on the 1st day of each month during the said period; and for the period from the 1st day of September, 1971 to the 31st day of August, 1972 the sum of $9,166.66 per month, which sum shall be payable on the 1st day of each month during the said period; and for the period from the 1st day of September, 1972 to the 31st day of August, 1974 the sum of $9,583.33 per month, which sum shall be payable on the 1st day of each month during the said period. Within six months after the 1st day of September, 1974, either party may notify the other party that an adjustment in the amount of the monthly payment for transportation is required. In the event that the parties are unable to agree upon an adjustment of the said amount within one month after the receipt of such notice, the provisions of Section 16 of this agreement shall apply to such disagreement. Until such time as a re-adjustment is made in the amount of the monthly payment, the amount being paid each month shall continue to be paid by the City to the Company during the remainder of the term of franchise hereby granted. The said amounts paid to provide for transportation shall be met by rates levied on all the rateable property in the City of Sarnia.

11. That should the parties of the Third Part or either of them desire to dispose of any shares of stock in the Company during the term of this agreement, the same shall not be sold or transferred either directly or indirectly without the consent of the City in writing having been first

obtained; provided that such consent shall not be required with respect to the transfer of any such shares to the wife or child of the holder thereof. In the event of the sale or transfer of any shares with the consent of the City, no subsequent sale or transfer shall be made by the holder thereof without the consent of the City in writing having been first obtained. That the number of shares issued by the Company shall not be increased without the consent of the City in writing having been first obtained. In the event that the holder of any shares is of the opinion that the consent of the City is being withheld unreasonably, the provisions of Section 16 of this agreement shall apply.

12. On one year's prior written notice to the Company, the City in any year during the term of the franchise may purchase the transportation system maintained and operated by the Company, by payment in full of the purchase price for all the then outstanding issued shares in the capital stock of the Company. The purchase price shall be determined by a Board of Arbitration three months before the effective date of the purchase of the transportation system by the City. The Board of Arbitration shall determine the value of the property of the Company on the basis of the actual value thereof, without regard to the way in which it is being used, its cost or its book value or the net revenue received therefrom.

13. The Company covenants and agrees that during the term of the franchise it will not cease its operations in the City without giving six months' prior written notice to the City of the Company's intention to cease operations in the City. During the period of three months following the giving of any such notice the City may purchase the transportation system maintained and operated by the Company by payment in full of the purchase price for all the then outstanding issued shares in the capital stock of the Company. The said purchase price shall be determined by a Board of Arbitration in the manner provided in paragraph 12 hereof.

14. The Company shall not be held to be in default hereunder for failure to operate, if such failure is the result of fire, act of God, strike or other cause beyond the control of the Company, and, in the event of such an occurrence, the City shall not be liable to pay the Company the equivalent portion of the payment required under paragraph 10 hereof pro-rated on a day to day basis during the period in which the Company has ceased to operate.

15. The Company shall at all times during the said term indemnify and save harmless the City, should the City be held in any way liable for the operation of the Company's buses and shall protect itself with an insurance policy or policies against accidents or liability to the public and/or passengers, and for property damage, as required by *The Highway Traffic Act* of the Province of Ontario and Regulations made thereunder, and *The Public Vehicles Act*, or any other law of the Province of Ontario, and the Company shall produce to the Council at a meeting held not later than the 1st day of March in every year every policy or guaranteed contract so made.

16. Any dispute between the City and the Company, including any dispute respecting service or the interpretation of this agreement, shall be referred to and determined by the Ontario Municipal Board, whose decision shall be final and binding upon the parties hereto and from which decision there shall be no appeal.

17. The City shall immediately take all necessary action to make this agreement legal, valid and binding upon the parties hereto, including, without limiting the generality of the foregoing, the enactment of a By-law and the submission of the same, pursuant to *The Municipal Franchises Act*, to the municipal electors of the City for their assent thereto and if the assent of the electors is given, the City shall apply to the Legislature of the Province of Ontario at its next regular session for legislation confirming and ratifying this agreement, and declaring the same to be legal, valid and binding upon the parties hereto.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective seals under the hands of their proper officers duly authorized in that behalf.

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE CITY OF SARNIA:

PAUL D. BLUNDY,
Mayor.

G. A. M. THOMAS,
Clerk.

SARNIA TRANSIT COMPANY LIMITED:

MERVYN DAVIES,
President.

JOHN D. GEORGE,
Secretary.

NANCY HAINES.

MERVYN DAVIES.

NANCY HAINES.

W. JOHN DAVIES.

SCHEDULE TO AGREEMENT

FARES AND CHARGES

(*a*) Adults — Cash fare of Twenty Cents (20c.) or five tickets for Ninety Cents (90c.) to be sold in strips only.

(*b*) Children — Cash fare of Ten Cents (10c.).

Children are defined as and shall mean only minors under fifty-four inches (54") in height. Children under three (3) years of age, if accompanied by an adult, shall be carried free.

(*c*) Tickets — Each ticket shall be good for one fare.

(*d*) Transfers — Free transfers shall be given as follows:

One per fare, good for one continuous journey in one direction to destination within the City on all connecting buses of the Company within the City; but obtainable only at the time of payment of fare. Rolled up, crumpled or otherwise mutilated transfers which are not easily discernible, may be refused.

(*e*) THE ABOVE FARES shall be charged and be payable on entering the Company's buses.

CHAPTER 165

An Act respecting the Township of Teck

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the Township of Teck by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Province of Ontario, enacts as follows:

Debenture by-law authorized

1. The council of The Corporation of the Township of Teck may pass a by-law, without obtaining the approval of the Ontario Municipal Board, providing for the issue of a debenture or debentures in a principal amount not exceeding $187,158, payable in not more than twenty years, for the purpose of paying the cost of an addition and alterations to the Kirkland Lake Collegiate and Vocational Institute.

Application of R.S.O. 1960 c. 274

2. Sections 55, 56, 57 and 58 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under section 1 and the debenture or debentures to be issued thereunder.

By-law deemed approved by O.M.B. R.S.O. 1960 cc. 362, 274

3. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 31 of *The Secondary Schools and Boards of Education Act* and section 64 of *The Ontario Municipal Board Act* authorizing The Corporation of the Township of Teck to proceed with the undertaking referred to in section 1 and authorizing the Corporation to issue a debenture or debentures under section 1.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Township of Teck Act, 1968-69*.

CHAPTER 166

An Act respecting The Tilbury Public School Board

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS the trustees of the William J. Miller Trust by their petition have prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1966, c. 185, s. 2, re-enacted

1. Section 2 of *The Tilbury Public School Board Act, 1966* is repealed and the following substituted therefor:

Trustees

2.—(1) The trustees of the William J. Miller Trust shall be three persons appointed by The Kent County Board of Education or its successor who are public school ratepayers and residents of the Town of Tilbury.

Term of office

(2) The trustees shall hold office for a term of three years, except that on the first appointment of trustees hereunder one trustee shall be appointed for one year, one for two years and one for three years.

Idem

(3) Each trustee shall hold office until the 31st day of December of the last year of the term for which he is appointed and until his successor is appointed, and he shall be eligible for reappointment.

Vacancies

(4) Where a vacancy occurs from any cause before the expiration of the term of office for which a trustee has been appointed, The Kent County Board of Education or its successor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term of office.

Commencement

2. This Act shall be deemed to have come into force on the 31st day of December, 1968.

Short title

3. This Act may be cited as *The Tilbury Public School Board Act, 1968-69.*

CHAPTER 167

An Act respecting the City of Toronto

Assented to June 9th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the City of Toronto, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Letting of right to operate means of conveyance in parks authorized

1. Notwithstanding any general or special Act, the Corporation may let from year to year, or for any time not exceeding ten years, the right to operate means of conveyance within a public park under the jurisdiction of the Corporation, other than on any highway as defined in *The Municipal Act*, subject to such regulations as the Corporation may prescribe.

R.S.O. 1960, c. 249

Interpretation

2.—(1) For the purposes of subsection 8, "householder" means the person who, at the date of the by-law passed pursuant to subsection 2, occupies and is assessed as owner or tenant of a dwelling or apartment house separately occupied as a dwelling on the latest assessment roll of the municipality returned by the assessor to the clerk as of the date of the said by-law.

Vacancy in office of alderman by-election for, fixing day and hour of polling

(2) Notwithstanding *The Municipal Act*, where a vacancy on the council of the Corporation occurs in the office of alderman and an election to fill the vacancy has not been ordered in a judicial proceeding, a by-election shall be held within six months after the vacancy occurs to fill such vacancy for the remainder of the term and, notwithstanding *The Municipality of Metropolitan Toronto Act*, council shall by by-law fix the day and hours for the polling and such by-law shall be enacted by the council not less than sixty days before the day for polling.

R.S.O. 1960, c. 260

When vacancy not to be filled

(3) Where in a year in which an election is to be held a vacancy occurs in the office of alderman after the 31st day of March, a by-election shall not be held and such vacancy shall not be filled.

Time, hours and place of nomination R.S.O. 1960, c. 260

(4) Notwithstanding *The Municipality of Metropolitan Toronto Act*, the council shall by by-law fix the day, time and place for a meeting of the electors to take place for the nomination of candidates for the by-election and such day shall not be less than fourteen days before the day fixed for polling.

Advance poll R.S.O. 1960, c. 249

(5) A by-law for the purposes set out in subsection 1 of section 90 of *The Municipal Act* may be passed at least twenty days before the day fixed for polling for the by-election.

Power of clerk re conduct of election

(6) The clerk shall be the returning officer for the by-election and he shall have the power to do all things and make such appointments and designations as may be necessary for the conduct of the by-election according to law and, without restricting the generality of the foregoing, he shall have authority to designate all polling subdivisions, unite adjoining polling subdivisions, provide polling places for all polling subdivisions and appoint all personnel necessary for the due conduct of such by-election.

Voters list

(7) The voters list shall be prepared from the latest assessment roll returned by the assessor to the clerk as of the date of the by-law passed pursuant to subsection 2 and from the latest list of persons entitled to be entered on the resident voters list filed by the assessor with the clerk as of such date.

Qualification of candidates

(8) Every person is qualified to be elected to the office of alderman in a by-election held under this Act who,

(*a*) is a householder residing in the municipality as of the date of the by-law passed pursuant to subsection 2, or on such date was rated on the latest assessment roll of the municipality returned by the assessor to the clerk as of such date for land held in his own right for an amount not less than $400 and resides in or within five miles of the municipality, or is the wife or husband of such a householder and who resides in or within five miles of the municipality;

(*b*) is a British subject;

(*c*) is of the full age of twenty-one years; and

(*d*) is not disqualified under *The Municipal Act* or any other Act.

Application of Acts R.S.O. 1960, cc. 249, 420, 23, 254

(9) Except as otherwise provided herein, the provisions of *The Municipal Act*, *The Voters' Lists Act*, *The Assessment Act* and *The Municipal Franchise Extension Act* and any by-law providing for a resident voters list passed thereunder apply *mutatis mutandis* to by-elections held under this Act.

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The City of Toronto Act, 1968-69*. Short title

CHAPTER 168

An Act respecting the City of Toronto

Assented to June 9th, 1969
Session Prorogued December 17th, 1969

WHEREAS The Corporation of the City of Toronto, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any general or special Act, the City of Toronto shall not have a board of control. Board of control dispensed with

2.—(1) There shall be an executive committee of the council of the Corporation composed of the mayor and four aldermen who are members of the council of The Municipality of Metropolitan Toronto. Executive Committee

(2) The executive committee has all the powers and duties of a board of control under subsections 1 and 1*a* of section 206 of *The Municipal Act* and subsections 2 to 15, 17 and 19 of that section apply *mutatis mutandis*. Powers R.S.O. 1960, c. 249

(3) At the first meeting of the council of the Corporation in each year after an election has been held, the council shall appoint the four aldermen to be members of the executive committee for that year and the two following years and section 198 of *The Municipal Act* shall not apply to such appointments. Term

(4) Where an alderman resigns from the executive committee, he shall be deemed to have resigned his office and his seat in council. Resignations

(5) If a vacancy occurs on the executive committee, other than in the office of mayor, the council, at a meeting called for that purpose, shall appoint an alderman who is a member Filling vacancies

of

of the council of The Municipality of Metropolitan Toronto to fill the vacancy for the unexpired term of the member whose seat has become vacant.

Remuneration

(6) Each member of the executive committee, other than the mayor, shall, in addition to his remuneration as a member of the council, receive such remuneration as may be authorized by the council.

Reference deemed to be to executive committee

(7) Subject to this Act, where in any general or special Act reference is made to the board of control of the City of Toronto, such reference shall be deemed to be to the executive committee established under this Act.

Number of wards

3. On and after the 1st day of January, 1970, the City of Toronto shall consist of eleven wards and, upon the application of the Corporation, the boundaries and numbers of such wards shall be determined by the Ontario Municipal Board in accordance with section 13 of *The Municipal Act* and the provisions of that section apply *mutatis mutandis*.

R.S.O. 1960, c. 249

Composition of council

R.S.O. 1960, c. 266

4. Notwithstanding *The Municipality of Metropolitan Toronto Act*, and subject to section 2, the council of the City of Toronto, on and after the 1st day of January, 1970, shall be composed of a mayor elected by general vote who shall be the head of council and two aldermen for each of the eleven wards established under section 3, and municipal elections in the year 1969 shall be held to elect a council so constituted.

Commencement

5.—(1) This Act, except sections 1 and 2, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 2 come into force on the 1st day of January, 1970.

Short title

6. This Act may be cited as *The City of Toronto Act, 1968-69 (No. 2)*.

CHAPTER 169

An Act respecting the University of Windsor

Assented to April 1st, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS the University of Windsor by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1962-63, c. 194, s. 5, amended

1. Section 5 of *The University of Windsor Act, 1962-63* is amended by striking out "but such management and control shall be based upon Christian principles", in the fifth and sixth lines, so that the section shall read as follows:

Board non-denominational

5. The management and control of the University shall be vested in a non-denominational board of governors, and no religious test shall be required of any professor, lecturer, teacher, officer, employee, servant or student of the University.

1962-63, c. 194, s. 18, re-enacted

2. Section 18 of *The University of Windsor Act, 1962-63* is repealed and the following substituted therefor:

Composition of the Board

18. The Board shall be constituted as follows:

1. The President of the University, *ex officio*.

2. Six persons appointed by the Board of Governors of Assumption University.

3. Two persons appointed by the Alumni Association from among its own number.

4. Four persons appointed by the Lieutenant Governor in Council.

5. Four members of the teaching staff elected by and from the members of the Senate.

6. Fifteen other persons to be elected by the Board.

1962-63, c. 194, s. 19, subs. 1, re-enacted

3. Subsection 1 of section 19 of *The University of Windsor Act, 1962-63* is repealed and the following substituted therefor:

Term of office of members

(1) The term of office of each member of the Board except the President, shall be three years and no member shall be eligible to serve more than three successive terms, provided that a person whose term of office has not been renewed shall be eligible for re-election or reappointment to the Board following the expiration of three years after his last membership on the Board.

1962-63, c. 194, s. 20, re-enacted

4. Section 20 of *The University of Windsor Act, 1962-63* is repealed and the following substituted therefor:

Terms of office

20. Notwithstanding subsection 1 of section 19, a person who is elected or appointed to fill a vacancy in the Board caused by the death, resignation or otherwise of a member shall serve until the expiry of the term of office of his predecessor, at which time he shall be eligible for re-election or reappointment for three successive terms.

1962-63, c. 194, s. 25, par. 1, re-enacted

5.—(1) Paragraph 1 of section 25 of *The University of Windsor Act, 1962-63* is repealed and the following substituted therefor:

1. The President, the Vice-President, the deans and vice-deans of each faculty within the University, the director of each autonomous school within the University, the academic heads of colleges affiliated or federated with the University, the Executive Director of Student Affairs, the Director of Extension, the Librarian and the Registrar of the University, *ex officio*.

1962-63, c. 194, s. 25, par. 2, repealed

(2) Paragraph 2 of the said section 25 is repealed.

1962-63, c. 194, s. 25, pars. 3, 4, re-enacted

(3) Paragraphs 3 and 4 of the said section 25 are repealed and the following substituted therefor:

3. Thirty members of the teaching staff of the University, for such terms and upon such conditions as the Senate may by by-law determine.

4. One member to be appointed for a term of three years by the Alumni Association from among the

graduates

graduates, provided that no person so appointed shall be eligible to serve more than two successive terms.

4*a*. Four students of the University to be elected or appointed in such manner as the students of the University may from time to time determine, provided that at least one of such students shall be a graduate student.

6.—(1) Subsection 1 of section 26 of *The University of Windsor Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 194, s. 26, subs. 1, re-enacted

(1) Except as otherwise provided, the manner of election and appointment to the Senate and the terms of office of the members thereof shall be as the Senate may by by-law determine. Election to Senate, term of office

(2) Subsection 4 of the said section 26 is repealed. 1962-63, c. 194, s. 26, subs. 4, repealed

7.—(1) The membership of the Board, as constituted when this Act comes into force, and the respective terms of office of each of such members, are hereby confirmed and subsection 1 of section 19 of *The University of Windsor Act, 1962-63*, as re-enacted by section 3 of this Act, shall be deemed to have been applicable to such members as if the said subsection had been in full force and effect, as so re-enacted, on the 19th day of December, 1962. Membership of Board confirmed 1962-63, c. 194

(2) Notwithstanding subsection 1 of section 19 of *The University of Windsor Act, 1962-63*, as re-enacted by section 3 of this Act, on the first election of members of the Board under paragraph 5 of section 18 of *The University of Windsor Act, 1962-63*, as re-enacted by section 2 of this Act, Election of members of Board

(*a*) one member, to be determined by the members of the Senate, shall hold office for an initial term expiring on the date of the annual meeting of the Board next following;

(*b*) one member, to be determined by the members of the Senate, shall hold office for an initial term expiring on the date of the second annual meeting of the Board next following his election; and

(*c*) each of the remaining two members shall hold office for an initial term expiring on the date of the third annual meeting of the Board next following his election,

and

and on the expiry of the initial term of any such member, the vacancy shall be filled in the manner prescribed and the successor shall serve a term of three years and thereafter from time to time, provided that any such member who ceases to be a member of the teaching staff shall forthwith cease to be a member of the Board.

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The University of Windsor Act, 1968-69*.

CHAPTER 170

An Act respecting the County of Welland

Assented to April 1st, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the County of Welland by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Authorization to enter into agreement

1. The Corporation of the County of Welland, The Corporation of the City of Welland, The Corporation of the City of Niagara Falls and The Corporation of the City of Port Colborne are hereby authorized and empowered to enter into the agreement set forth as the Schedule hereto, and are authorized and empowered to carry out and perform the terms thereof.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The County of Welland Act, 1968-69*.

SCHEDULE

SCHEDULE

THIS AGREEMENT made in quadruplicate this twenty-ninth day of January, A.D. 1969.

BETWEEN:

THE CORPORATION OF THE COUNTY OF WELLAND,

hereinafter referred to as "the County",

OF THE FIRST PART,

THE CORPORATION OF THE CITY OF WELLAND,
THE CORPORATION OF THE CITY OF PORT COLBORNE,

— and —

THE CORPORATION OF THE CITY OF NIAGARA FALLS,

hereinafter referred to as "the Cities",

OF THE SECOND PART,

— and —

THE WELLAND DISTRICT ASSOCIATION FOR RETARDED INCORPORATED,
PORT COLBORNE DISTRICT ASSOCIATION FOR MENTALLY RETARDED INCORPORATED,
THE PEACE BRIDGE AREA ASSOCIATION FOR MENTALLY RETARDED, and
GREATER NIAGARA ASSOCIATION FOR THE MENTALLY RETARDED,

hereinafter referred to as "the approved corporations",

OF THE THIRD PART.

WHEREAS the Parties hereto entered into an agreement dated the 26th day of January, 1968 pursuant to the provisions of *The County of Welland Act, 1968*, Chapter 182;

AND WHEREAS *The Homes for Retarded Persons Act, 1966*, Chapter 65, was amended by 1968, Chapter 51, and pursuant thereto the Minister of Social and Family Services has required that the said agreement be amended by the removal of all reference to residence;

NOW THEREFORE in consideration of the said request it is hereby agreed by and between the parties hereto as follows:

1. That clause *a* of section 3 of the said agreement be amended by deleting all the words after "advantage" in the second line, so that the clause shall read as follows:

(*a*) Co-ordinate the operation of the approved homes, so that the total facilities may be used to the best advantage.

2. This agreement shall be deemed to have come into force on the first day of January, A.D. 1968.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate Seal.

SEALED AND DELIVERED and countersigned by the Warden and the Clerk of the Corporation of the County of Welland, the Mayor and the Clerk of the Corporation of the City of Welland, the Mayor and the Clerk

of

of the Corporation of the City of Niagara Falls, and the Mayor and the Clerk of the Corporation of the City of Port Colborne, and by the proper signing officers of the Parties of the Third Part.

THE CORPORATION OF THE COUNTY OF WELLAND:

.....
Warden.

.....
Clerk.

THE CORPORATION OF THE CITY OF WELLAND:

.....
Mayor.

.....
Clerk.

THE CORPORATION OF THE CITY OF NIAGARA FALLS:

.....
Mayor.

.....
Clerk.

THE CORPORATION OF THE CITY OF PORT COLBORNE:

.....
Mayor.

.....
Clerk.

THE WELLAND DISTRICT ASSOCIATION FOR RETARDED INCORPORATED:

.....

.....

PORT COLBORNE DISTRICT ASSOCIATION FOR MENTALLY RETARDED INCORPORATED:

.....

.....

THE PEACE BRIDGE AREA ASSOCIATION FOR MENTALLY RETARDED:

.....

.....

GREATER NIAGARA ASSOCIATION FOR THE MENTALLY RETARDED:

.....

.....

CHAPTER

CHAPTER 171

An Act respecting The Board of Education for the City of Windsor

Assented to March 26th, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Board of Education for the City of Windsor by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Erection and equipping of Centennial Secondary School

1. The Board of Education for the City of Windsor is hereby authorized to continue and complete the erection and equipping of Centennial Secondary School situate on the north side of Northwood Street in the City of Windsor, without obtaining the approval of the Ontario Municipal Board, at a cost not exceeding $3,950,000.

By-law

2. The Council of the Corporation of the City of Windsor or the Board of Education for the City of Windsor is hereby authorized to pass a by-law, without obtaining the approval of the Ontario Municipal Board, providing for the issue of debentures of the Corporation in a principal amount not exceeding $2,150,000, payable in not more than twenty years, for the purpose of paying part of the cost of the undertaking referred to in section 1, and such by-law when duly passed shall be legal, valid and binding upon the Corporation and the ratepayers thereof.

Application of R.S.O. 1960, c. 274, ss. 55-58

3. Sections 55, 56, 57 and 58 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under section 2 and the debentures to be issued thereunder.

Order of O.M.B. deemed made

R.S.O. 1960, cc. 362, 274

4. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 31 or 89 of *The Secondary Schools and Boards of Education Act* and section 64 of *The Ontario Municipal Board Act* approving the undertaking referred to in section 1 and authorizing the issue of debentures under section 2.

5.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Windsor Board of Education Act, 1968-69*.

CHAPTER 172

An Act respecting the City of Windsor

Assented to April 1st, 1969
Session Prorogued December 17th, 1969

Preamble

WHEREAS The Corporation of the City of Windsor, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation 1962-63, c. 39

1.—(1) In this section "drainage works" and "construction" mean drainage works and construction as defined in *The Drainage Act, 1962-63*.

Construction, repair or improvement of drainage works

(2) Where the council of the Corporation deems it expedient to undertake the construction, repair or improvement of any drainage works in the City of Windsor or any defined area thereof, in accordance with the provisions of *The Drainage Act, 1962-63*, it may, notwithstanding that Act, by by-law provide that the whole or such part, as the by-law may determine, of the cost of such construction, repair or improvement shall be charged and collected by a special rate sufficient therefor levied upon all the rateable property in the City of Windsor or in any such defined area.

Repeal of by-law prohibited

(3) No by-law passed under this section shall be repealed.

1946, c. 145, s. 10, subs. 2 (1955, c. 119, s. 1), re-enacted

2.—(1) Subsection 2 of section 10 of *The City of Windsor Act, 1946*, as re-enacted by section 1 of *The City of Windsor Act, 1955*, is repealed and the following substituted therefor:

Management, etc., of Hospital

(2) The management, control and maintenance of the Hospital and the custody of all real and personal property belonging to or used in connection therewith shall be vested in a board of thirteen governors.

(2)

1946, c. 145, s. 10, subs. 3, cl. *b*, (1961-62, c. 174, s. 1, subs. 2) amended

(2) Clause *b* of subsection 3 of the said section 10, as re-enacted by subsection 2 of section 1 of *The City of Windsor Act, 1961-62*, is amended by striking out "two" in the first line and inserting in lieu thereof "three", so that the clause shall read as follows:

(*b*) three governors who shall be the members of the medical staff prescribed by the regulations under *The Public Hospitals Act*.

R.S.O. 1960 c. 322.

1946, c. 145, s. 10 (1955, c. 119, s. 1) subs. 3, cl. *d*, amended

(3) Clause *d* of subsection 3 of the said section 10, as re-enacted by section 1 of *The City of Windsor Act, 1955*, is amended by striking out "two" in the first line and inserting in lieu thereof "three", so that the clause shall read as follows:

(*d*) three additional governors to be appointed by the governors appointed under clauses *a* to *c*.

1946, c. 145, s. 12, subs. 3 (1955, c. 119, s. 2), repealed

3. Subsection 3 of section 12 of *The City of Windsor Act, 1946*, as re-enacted by section 2 of *The City of Windsor Act, 1955* and amended by section 1 of *The City of Windsor Act, 1958*, is repealed.

Commencement

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1969.

Short title

5. This Act may be cited as *The City of Windsor Act, 1968-69*.

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Public Accountancy Amendment Act: 1961-62, c. 113 (15th June, 1962).

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Arbitration Proceedings	...	390/67	Nov. 18/67
Crop Insurance Plans—			
Corn	...	120/68	April 13/68
Forage	...	377/67	Nov. 11/67
amended	...	144/68	April 27/68
amended	...	78/69	Mar. 22/69
General	...	29/67	Feb. 11/67
amended	...	116/68	April 13/68
amended	...	59/69	Mar. 8/69
amended	...	170/69	May 10/69

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Crop Insurance Act (Ontario), 1966—*Continued*			
Crop Insurance Plans—*Continued*			
Potatoes	...	195/69	May 31/69
Soybean	...	121/68	April 13/68
Spring Grain	...	200/67	June 10/67
amended	...	201/67	June 10/67
amended	...	105/68	April 6/68
amended	...	149/69	May 3/69
Tomatoes	...	171/69	May 10/69
White Beans	...	176/68	May 25/68
Winter Wheat	...	30/67	Feb. 11/67
amended	...	330/67	Sept. 30/67
amended	...	365/67	Oct. 28/67
amended	...	296/68	Aug. 31/68
Designation of Insurable Crops	...	117/68	April 13/68
amended	...	169/69	May 10/69
amended	...	194/69	May 31/69
Premium Discounts	...	104/68	April 6/68
Crown Attorneys Act			
Fees	68	.....	.....
Crown Timber Act			
General	69	.....	.....
amended	...	333/63	Dec. 21/63
amended	...	117/64	June 6/64
amended	...	110/68	April 6/68
amended	...	77/69	Mar. 22/69
amended	...	219/69	June 14/69
D			
Day Nurseries Act, 1966			
General	...	297/67	Aug. 26/67
amended	...	123/68	April 13/68
Dead Animal Disposal Act			
General	71	.....	.....
amended	...	145/62	June 23/62
amended	...	255/65	Oct. 23/65
Dental Technicians Act			
General	...	283/63	Nov. 2/63
amended	...	507/69	Jan. 10/70
Dentistry Act			
Approved Dental Hygiene Courses—University of Toronto	73	.....	.....
Dental Hygienists	...	332/65	Dec. 25/65
amended	...	237/68	July 20/68
Registration Fee	...	63/66	Mar. 26/66
Department of Agriculture and Food Act			
Advisory Board	76	.....	.....
Advisory Committee for Macdonald Institute	77	.....	.....
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General	...	345/69	Sept. 6/69
Parole	...	368/69	Sept. 20/69
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Allowance to Members of the Ontario Council of Regents for Colleges of Applied Arts and Technology	...	503/69	Jan. 3/70

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Department of Education Act—*Continued*			
Arena Managers' Certificates and Arena Programmes	...	68/67	Mar. 4/67
amended	...	368/67	Oct. 28/67
Colleges of Applied Arts and Technology	...	268/65	Nov. 6/65
amended	...	374/66	Dec. 17/66
amended	...	504/69	Jan. 3/70
Colleges of Applied Arts and Technology—			
Algonquin	...	254/66	Sept. 3/66
amended	...	370/67	Nov. 4/67
Cambrian	...	382/66	Dec. 31/66
amended	...	421/67	Dec. 16/67
Centennial	...	190/66	July 16/66
amended	...	59/68	Mar. 16/68
Conestoga	...	216/67	July 1/67
Confederation	...	62/67	Feb. 25/67
Durham	...	45/67	Feb. 18/67
amended	...	292/67	Aug. 19/67
Fanshawe	...	383/66	Dec. 31/66
amended	...	420/67	Dec. 16/67
George Brown	...	432/67	Dec. 23/67
amended	...	29/68	Feb. 17/68
Georgian	...	109/67	April 8/67
Humber	...	399/66	Jan. 7/67
Lambton	...	228/66	Aug. 6/66
Loyalist	...	184/68	June 1/68
Mohawk	...	352/66	Nov. 26/66
amended	...	5/68	Jan. 13/68
Niagara	...	55/67	Feb. 18/67
Northern	...	8/67	Jan. 21/67
amended	...	422/67	Dec. 16/67
St. Clair	...	255/66	Sept. 3/66
amended	...	415/67	Dec. 16/67
St. Lawrence	...	9/67	Jan. 21/67
Seneca	...	61/67	Feb. 25/67
Sheridan	...	178/67	May 27/67
Sir Sandford Fleming	...	186/68	June 1/68
Diplomas—Elementary and Secondary Schools	...	142/61	July 3/61
amended	...	122/64	June 13/64
amended	...	143/67	April 29/67
Elementary and Secondary Schools—General	...	339/66	Nov. 19/66
amended	...	284/67	Aug. 12/67
amended	...	374/67	Nov. 4/67
amended	...	187/68	June 1/68
amended	...	272/68	Aug. 10/68
amended	...	389/68	Nov. 9/68
Elementary Schools—Inspectors' Certificates	82	.....	.....
amended	...	209/62	Sept. 1/62
General Legislative Grants	...	82/69	Mar. 22/69
amended	...	297/69	Aug. 2/69
Grants for Non-Profit Camps	...	175/64	July 18/64
amended	...	158/66	June 11/66
Grants for Recreation Programmes (*revoking*)	...	394/69	Oct. 18/69
Industrial Schools Staff (*revoking*)	...	395/69	Oct. 18/69
Interim Teaching Certificates	88	.....	.....
amended	...	145/61	July 3/61
amended	...	141/62	June 23/62
amended	...	282/62	Nov. 3/62
amended	...	121/64	June 13/64
amended	...	76/65	April 3/65
amended	...	352/65	Jan. 8/66
amended	...	183/68	June 1/68
Municipal Recreation Directors' Certificates	...	20/66	Jan. 29/66
amended	...	384/66	Dec. 31/66
Ontario Schools for the Blind and Ontario Schools for the Deaf	...	28/63	Feb. 16/63

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Permanent Teaching Certificates	91	.....	.....
amended	...	146/61	July 3/61
amended	...	140/62	June 23/62
amended	...	95/66	April 16/66
Programmes of Recreation	...	19/66	Jan. 29/66
amended	...	93/66	April 16/66
amended	...	151/66	June 4/66
amended	...	419/67	Dec. 16/67
Provincial Institute of Mining (*revoking*)	...	387/69	Oct. 4/69
Purchase of Milk	96	.....	.....
Reimbursement for Cost of Education in Territorial Districts or Crown Lands	...	278/66	Sept. 24/66
amended	...	408/69	Nov. 1/69
Scholarships for Study Outside Ontario	99	.....	.....
amended	...	124/65	May 29/65
amended	...	301/66	Oct. 8/66
School Attendance (*revoking*)	...	396/69	Oct. 18/69
Schools for Trainable Retarded Children	...	346/68	Oct. 12/68
Special Certificates	101	.....	.....
amended	...	263/61	Aug. 5/61
amended	...	143/62	June 23/62
amended	...	172/63	July 13/63
Supervisory Officers	103	.....	.....
Teachers' Colleges	104	.....	.....
amended	...	148/61	July 3/61
Teachers' Contracts	105	.....	.....
amended	...	30/63	Feb. 16/63
amended	...	172/69	May 10/69
Text-books	...	137/62	June 23/62
amended	...	227/63	Aug. 31/63
The Sudbury Teachers' College and The University of Ottawa Teachers' College	107	.....	.....
amended	...	130/66	May 14/66
Vocational Building and Equipment Grants	...	161/69	May 10/69
amended	...	321/69	Aug. 23/69
Department of Labour Act			
Labour Safety Council	...	3/62	Jan. 13/62
Proceedings of the Board	108	.....	.....
amended	...	198/64	Aug. 15/64
Underground Work	...	100/63	May 4/63
amended	...	121/63	June 8/63
amended	...	495/69	Jan. 3/70
Department of Municipal Affairs Act			
Municipal Assessors	...	22/66	Jan. 29/66
Municipal Auditors	110	.....	.....
amended	...	27/66	Feb. 5/66
Tax Arrears and Tax Sales Procedures	...	159/69	May 10/69
amended	...	271/69	July 12/69
amended	...	416/69	Nov. 8/69
Department of Public Welfare Act			
Institutions under Control of Minister	...	282/66	Sept. 24/66
Subsidies for Welfare Services	...	270/65	Nov. 13/65
amended	...	320/66	Oct. 29/66
Department of Revenue Act, 1968			
Delegation of Ministerial Power	...	274/68	Aug. 10/68

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Advertising Matter	...	208/65	Aug. 28/65
Advertising Tourist Accommodation	112	.....	.....
General	...	331/66	Nov. 12/66
Grants for Museums	...	81/69	Mar. 22/69
Grants for Regional Tourist Organizations	...	150/61	July 3/61
amended	...	65/64	Mar. 28/64
amended	...	207/65	Aug. 28/65
Historical Parks	...	242/66	Aug. 13/66
amended	...	410/67	Dec. 9/67
Historical Parks—Fees	...	243/66	Aug. 13/66
amended	...	77/68	Mar. 23/68
Deposits Regulation Act, 1962-63			
General	...	197/63	July 27/63
Disabled Persons' Allowances Act			
General	114	.....	.....
amended	...	151/61	July 3/61
District Welfare Administration Boards Act, 1962-63			
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amended	...	278/67	Aug. 12/67
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Courts	115	.....	.....
amended	...	152/61	July 3/61
amended	...	329/61	Oct. 21/61
amended	...	70/62	Mar. 31/62
amended	...	161/63	June 29/63
amended	...	321/63	Dec. 7/63
amended	...	1/64	Jan. 11/64
amended	...	90/64	May 9/64
amended	...	120/66	May 7/66
amended	...	163/66	June 11/66
amended	...	164/66	June 11/66
amended	...	197/66	July 16/66
amended	...	198/66	July 16/66
amended	...	212/66	July 30/66
amended	...	241/66	Aug. 13/66
amended	...	358/66	Dec. 3/66
amended	...	10/67	Jan. 21/67
amended	...	44/67	Feb. 18/67
amended	...	89/67	Mar. 25/67
amended	...	48/68	Mar. 9/68
amended	...	127/68	April 20/68
amended	...	128/68	April 20/68
amended	...	178/68	May 25/68
amended	...	352/68	Oct. 19/68
amended	...	61/69	Mar. 8/69
amended	...	88/69	Mar. 29/69
amended	...	148/69	May 3/69
amended	...	209/69	June 7/69
amended	...	480/69	Dec. 20/69
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amended	...	125/66	May 7/66
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amended	...	44/62	Feb. 24/62

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amended	...	336/61	Oct. 28/61
amended	...	143/65	June 19/65
amended	...	168/67	May 27/67
amended	...	205/68	June 22/68
amended	...	350/68	Oct. 19/68
Classifications	120	.....	.....
amended	...	373/61	Dec. 16/61
General	121	.....	.....
amended	...	122/65	May 29/65
Masseurs	122	.....	.....
amended	...	49/63	Mar. 9/63
amended	...	254/67	July 29/67
Osteopaths	123	.....	.....
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E			
Economic Development Loans Guarantee Act, 1962-63			
Financial Advisory Committee	...	75/64	April 18/64
General	...	103/63	May 11/63
amended	...	112/63	May 18/63
amended	...	74/64	April 18/64
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General	125	.....	.....
amended	...	86/68	Mar. 23/68
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amended	...	134/69	April 19/69
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amended	...	204/63	Aug. 3/63
amended	...	247/67	July 22/67
amended	...	268/67	Aug. 5/67
amended	...	291/67	Aug. 19/67
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General	...	4/66	Jan. 15/66
amended	...	106/69	April 5/69
Rope Tows and Ski Lifts	...	262/65	Oct. 30/65
Embalmers and Funeral Directors Act			
General	129	.....	.....
amended	...	153/61	July 3/61
amended	...	247/62	Oct. 13/62
amended	...	71/63	April 6/63
amended	...	182/67	May 27/67
amended	...	506/69	Jan. 10/70
Employment Agencies Act			
General	...	154/61	July 3/61
amended	...	318/61	Oct. 14/61
amended	...	240/62	Oct. 6/62
amended	...	107/69	April 5/69

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Logging Industry	...	13/69	Jan. 25/69
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amended	...	471/69	Dec. 6/69
Fuel Oil Code	...	335/64	Jan. 2/65
Gas Utilization Code	...	166/66	June 18/66
amended	...	31/68	Feb. 17/68
amended	...	32/69	Feb. 8/69
amended	...	498/69	Jan. 3/70
Propane Storage, Handling and Utilization Code	...	166/67	May 20/67
amended	...	496/69	Jan. 3/70
Spacing Units			
Arthur Pool	...	152/68	May 11/68
Avonry Pool, Township of Sombra	...	303/63	Nov. 16/63
amended	...	233/66	Aug. 13/66
Clearville	...	82/62	April 14/62
Colchester South	130	.....	.....
Courtright Pool	...	143/66	May 21/66
amended	...	182/66	July 9/66
Dawn and Sombra (Townships of)	...	139/63	June 15/63
Dungannon Pool	...	316/67	Sept. 16/67
Egremont Township	...	366/66	Dec. 3/66
Gosfield South (Township of)	...	311/64	Nov. 28/64
Innerkip Pool	...	329/66	Nov. 5/66
Innerkip East Pool	...	236/69	June 28/69
Malden Township	...	328/61	Oct. 21/61
Moore (Township of)	...	57/64	Mar. 14/64
amended	...	331/64	Dec. 26/64
Otter Creek Pool	...	414/68	Dec. 7/68
Oxley Field	...	152/66	June 11/66
Terminus Pool	...	153/68	May 11/68
Terminus North Pool	...	402/69	Oct. 25/69
Townsend Pool	...	214/68	June 29/68
Verschoyle West Pool	...	230/67	July 8/67
Willey Field	...	275/65	Nov. 13/65
amended	...	430/68	Dec. 21/68
Wilsonville Pool	...	232/67	July 8/67
Wilsonville South Pool	...	231/67	July 8/67
Transmission and Distribution	...	325/64	Dec. 26/64
amended	...	223/65	Sept. 18/65
amended	...	167/66	June 18/66
amended	...	161/67	May 13/67
Transmission and Distribution Pipe Line Code	...	334/64	Jan. 2/65
amended	...	497/69	Jan. 3/70
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F			
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General	...	102/67	April 8/67
amended	...	279/67	Aug. 12/67
amended	...	63/68	Mar. 16/68
amended	...	19/69	Feb. 1/69
amended	...	34/69	Feb. 15/69
amended	...	121/69	April 12/69
amended	...	167/69	May 10/69
Farm Products Containers Act			
Fruit and Vegetables	137	.....	.....
amended	...	159/61	July 3/61
amended	...	64/62	Mar. 24/62
Farm Products Grades and Sales Act			
Apples			
Cold Storage	138	.....	.....
amended	...	325/62	Dec. 15/62
amended	...	398/66	Jan. 7/67
amended	...	169/68	May 25/68
Christmas Trees			
Grades	...	201/65	Aug. 28/65
Dairy Products	139	.....	.....
amended	...	216/63	Aug. 31/63
Flue-Cured Tobacco	140	.....	.....
amended	...	284/61	Aug. 26/61
amended	...	232/62	Sept. 29/62
amended	...	301/62	Nov. 24/62
amended	...	302/62	Nov. 24/62
amended	...	318/62	Dec. 15/62
amended	...	36/64	Feb. 22/64
amended	...	55/64	Mar. 14/64
amended	...	289/64	Oct. 31/64
amended	...	263/65	Oct. 30/65
amended	...	321/66	Oct. 29/66
Fruit and Vegetables			
Grades	141	.....	.....
amended	...	160/61	July 3/61
amended	...	261/61	Aug. 5/61
amended	...	184/62	Aug. 4/62
amended	...	213/62	Sept. 8/62
amended	...	215/63	Aug. 31/63
amended	...	69/64	April 11/64
amended	...	191/65	Aug. 14/65
amended	...	12/66	Jan. 22/66
amended	...	69/66	April 2/66
amended	...	183/66	July 9/66
amended	...	280/66	Sept. 24/66
amended	...	7/67	Jan. 21/67
amended	...	35/67	Feb. 11/67
amended	...	176/67	May 27/67
amended	...	177/67	May 27/67
amended	...	170/68	May 25/68
amended	...	326/68	Sept. 21/68
amended	...	33/69	Feb. 15/69
amended	...	435/69	Nov. 15/69
Inspection	142	.....	.....
amended	...	168/63	July 6/63

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Fruit and Vegetables—*Continued*			
Licences	143	.....	.....
amended	...	141/65	June 19/65
amended	...	171/68	May 25/68
Grades for Beef and Veal	...	67/63	Mar. 23/63
amended	...	322/69	Aug. 23/69
Honey	...	483/69	Dec. 20/69
Maple Products	...	140/69	April 26/69
Farm Products Marketing Act			
Apples			
Marketing (*revoking*)	...	16/69	Feb. 1/69
Marketing	...	17/69	Feb. 1/69
Plan	...	276/65	Nov. 13/65
amended	...	11/66	Jan. 22/66
amended	...	214/67	July 1/67
amended	...	262/67	Aug. 5/67
Plan	...	424/68	Dec. 21/68
Transfer of Assets of Local Board	...	26/69	Feb. 8/69
Arbitration of Disputes	146	.....	.....
Asparagus			
Marketing	147	.....	.....
amended	...	161/61	July 3/61
amended	...	108/62	May 19/62
amended	...	81/63	April 20/63
amended	...	236/63	Sept. 14/63
amended	...	95/67	Mar. 25/67
Plan	148	.....	.....
amended	...	223/63	Aug. 31/63
amended	...	295/63	Nov. 16/63
amended	...	94/67	Mar. 25/67
Beans			
Marketing	...	229/68	July 13/68
Plan	...	48/66	Mar. 5/66
amended	...	142/66	May 21/66
amended	...	385/67	Nov. 11/67
Berries for Processing			
Marketing	151	.....	.....
Plan	152	.....	.....
Broiler Chickens			
Marketing	...	101/65	May 8/65
amended	...	144/65	June 19/65
amended	...	20/67	Jan. 28/67
amended	...	113/67	April 8/67
amended	...	202/67	June 10/67
amended	...	28/69	Feb. 8/69
amended	...	379/69	Sept. 27/69
Plan	...	100/65	May 8/65
amended	...	112/67	April 8/67
amended	...	362/67	Oct. 28/67
By-laws for Local Boards	...	97/67	Mar. 25/67
Celery			
Marketing	154	.....	.....
Plan	155	.....	.....
Eggs and Fowl			
Marketing	...	193/64	Aug. 8/64
amended	...	255/69	July 5/69
Plan	...	188/64	Aug. 1/64
Fresh Fruit			
Marketing	...	109/66	April 30/66
amended	...	290/66	Oct. 1/66
Plan	...	104/66	April 23/66
amended	...	363/67	Oct. 28/67

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Farm Products Marketing Act—*Continued*			
Fresh Grapes			
Marketing	...	191/66	July 16/66
amended	...	289/66	Oct. 1/66
Plan	...	184/66	July 9/66
Fresh Vegetables			
Marketing	158	.....	.....
Plan	159	.....	.....
Grapes for Processing			
Marketing	160	.....	.....
amended	...	163/61	July 3/61
amended	...	239/63	Sept. 14/63
amended	...	213/64	Aug. 22/64
amended	...	192/65	Aug. 14/65
amended	...	32/66	Feb. 12/66
amended	...	291/66	Oct. 1/66
amended	...	96/67	Mar. 25/67
amended	...	348/69	Sept. 6/69
Plan	161	.....	.....
amended	...	164/61	July 3/61
amended	...	220/63	Aug. 31/63
Greenhouse Vegetables			
Marketing	...	116/67	April 15/67
Plan	...	114/67	April 8/67
Hogs			
Marketing	162	.....	.....
amended	...	350/61	Nov. 18/61
amended	...	217/62	Sept. 8/62
amended	...	329/62	Dec. 22/62
amended	...	116/63	June 1/63
amended	...	352/63	Jan. 4/64
amended	...	56/65	Mar. 13/65
amended	...	324/65	Dec. 18/65
amended	...	193/66	July 16/66
amended	...	346/66	Nov. 26/66
Plan	163	.....	.....
amended	...	349/61	Nov. 18/61
amended	...	351/63	Jan. 4/64
amended	...	345/64	Jan. 16/65
amended	...	323/65	Dec. 18/65
Local Boards	...	98/67	Mar. 25/67
amended	...	197/68	June 15/68
Onions			
Marketing	...	129/66	May 14/66
amended	...	111/67	April 8/67
amended	...	238/67	July 15/67
amended	...	279/69	July 19/69
Plan	...	128/66	May 14/66
amended	...	323/69	Aug. 23/69
Seed-Corn			
Marketing	165	.....	.....
amended	...	166/61	July 3/61
amended	...	106/62	May 19/62
amended	...	342/63	Dec. 28/63
Plan	166	.....	.....
amended	...	107/62	May 19/62
amended	...	341/63	Dec. 28/63
Soya-Beans			
Marketing	167	.....	.....
amended	...	170/64	July 11/64
amended	...	326/65	Dec. 18/65
Plan	168	.....	.....
amended	...	167/61	July 3/61
amended	...	325/65	Dec. 18/65
amended	...	501/69	Jan. 3/70

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Farm Products Marketing Act—*Continued*			
Sugar-Beets			
Marketing	169	.....	.....
Plan	170	.....	.....
amended	...	133/68	April 20/68
Tender Fruit for Processing			
Marketing	171	.....	.....
amended	...	168/61	July 3/61
amended	...	254/61	July 29/61
amended	...	240/63	Sept. 14/63
amended	...	125/65	May 29/65
amended	...	193/65	Aug. 14/65
amended	...	292/66	Oct. 1/66
Plan	172	.....	.....
amended	...	219/63	Aug. 31/63
amended	...	452/69	Nov. 22/69
Tobacco			
Marketing	173	.....	.....
amended	...	107/63	May 11/63
amended	...	108/63	May 11/63
amended	...	315/63	Nov. 30/63
amended	...	53/64	Mar. 14/64
amended	...	223/64	Sept. 5/64
amended	...	36/65	Feb. 13/65
amended	...	186/65	July 31/65
amended	...	91/66	April 16/66
amended	...	293/66	Oct. 1/66
Plan	174	.....	.....
amended	...	346/61	Nov. 11/61
amended	...	102/63	May 11/63
amended	...	87/64	May 2/64
amended	...	140/65	June 19/65
Turkeys			
Marketing	...	204/65	Aug. 28/65
amended	...	211/69	June 7/69
amended	...	378/69	Sept. 27/69
Plan	...	203/65	Aug. 28/65
amended	...	212/65	Sept. 11/65
Vegetables for Processing			
Marketing	175	.....	.....
amended	...	241/63	Sept. 14/63
amended	...	263/63	Oct. 19/63
amended	...	44/64	Mar. 7/64
amended	...	344/66	Nov. 26/66
amended	...	120/67	April 15/67
Plan	176	.....	.....
amended	...	222/63	Aug. 31/63
amended	...	340/63	Dec. 28/63
Wheat			
Marketing	177	.....	.....
amended	...	242/63	Sept. 14/63
amended	...	57/67	Feb. 18/67
Plan	178	.....	.....
amended	...	221/63	Aug. 31/63
amended	...	270/63	Oct. 26/63
Farm Products Marketing Amendment Act, 1955			
Continuation of Schemes	179	.....	.....
Farm Products Payments Act, 1967			
General	...	198/67	June 10/67
Financial Administration Act			
Permit for Living Accommodation	...	14/64	Feb. 1/64

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Fire Departments Act			
Filing in Supreme Court of Decision of Arbitrator or Arbitration Board	...	260/67	Aug. 5/67
Standards for Pumpers	182	.....	.....
Fire Marshals Act			
General	183	.....	.....
amended	...	5/65	Jan. 23/65
amended	...	145/67	April 29/67
Forest Fires Prevention Act, 1968			
Fire Districts	...	119/69	April 12/69
amended	...	336/69	Aug. 30/69
Restricted Fire Zone	...	305/69	Aug. 9/69
Restricted Fire Zone	...	346/69	Sept. 6/69
Restricted Fire Zone (*revoking*)	...	355/69	Sept. 13/69
Forestry Act			
Nurseries	185	.....	.....
amended	...	173/65	July 24/65
amended	...	337/68	Oct. 12/68
Freshwater Fish Marketing Act (Ontario), 1968-69			
General	...	302/69	Aug. 9/69
G			
Game and Fish Act, 1961-62			
Bobwhite Quail and Pheasant—Propagation and Sale	...	16/68	Jan. 27/68
Buffalo	...	319/63	Dec. 7/63
Bullfrogs	...	70/67	Mar. 4/67
Crown Game Preserves	...	22/65	Feb. 6/65
amended	...	129/65	June 5/65
amended	...	369/66	Dec. 10/66
amended	...	126/67	April 22/67
amended	...	315/67	Sept. 16/67
amended	...	88/68	Mar. 23/68
amended	...	381/69	Oct. 4/69
amended	...	473/69	Dec. 13/69
Designation of Class of Licence	...	280/68	Aug. 17/68
amended	...	43/69	Feb. 22/69
Discharge of Fire-Arms From or Across Highways and Roads	...	271/67	Aug. 12/67
Fire-Arms	...	409/69	Nov. 8/69
Fishing Huts	...	13/65	Jan. 30/65
amended	...	355/65	Jan. 8/66
Fishing Licences	...	46/65	Feb. 27/65
amended	...	172/65	July 24/65
amended	...	260/66	Sept. 3/66
amended	...	368/66	Dec. 10/66
amended	...	442/67	Dec. 30/67
amended	...	113/68	April 13/68
amended	...	406/68	Nov. 30/68
amended	...	427/68	Dec. 21/68
amended	...	319/69	Aug. 16/69
Fur Royalties	...	124/63	June 8/63
Furs	...	343/64	Jan. 16/65
amended	...	214/66	July 30/66
Game Bird Hunting Preserves	...	15/68	Jan. 27/68
Guides	...	123/63	June 8/63
amended	...	250/63	Sept. 28/63
amended	...	3/64	Jan. 18/64
Hunter Safety Training Courses	...	14/68	Jan. 27/68
Hunting in Lake Superior Provincial Park	...	339/68	Oct. 12/68

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Game and Fish Act, 1961-62—*Continued*			
Hunting Licences—Issuance	...	229/63	Aug. 31/63
amended	...	328/64	Dec. 26/64
amended	...	273/66	Sept. 17/66
amended	...	77/67	Mar. 11/67
amended	...	314/67	Sept. 16/67
amended	...	17/68	Jan. 27/68
amended	...	114/68	April 13/68
amended	...	251/68	July 20/68
amended	...	302/68	Aug. 31/68
amended	...	317/68	Sept. 7/68
amended	...	364/68	Oct. 26/68
Hunting on Crown Lands			
Geographic Townships of Bruton and Clyde	...	284/63	Nov. 2/63
Hunting on Designated Crown Land and in Provincial Parks	...	277/68	Aug. 17/68
amended	...	338/68	Oct. 12/68
amended	...	369/69	Sept. 20/69
Open Seasons			
Deer, Moose and Black Bear	...	25/69	Feb. 8/69
amended	...	318/69	Aug. 16/69
amended	...	344/69	Sept. 6/69
amended	...	405/69	Nov. 1/69
Fur-bearing Animals	...	406/69	Nov. 1/69
Game Birds	...	237/69	June 28/69
amended	...	391/69	Oct. 11/69
amended	...	433/69	Nov. 15/69
Rabbit and Squirrel	...	235/69	June 21/69
Sale of Bass and Trout	...	316/66	Oct. 29/66
Snares	...	247/63	Sept. 14/63
amended	...	237/66	Aug. 13/66
Trap-Line Areas	202	.....	.....
Gasoline Handling Act, 1966			
General	...	276/66	Sept. 24/66
amended	...	270/67	Aug. 5/67
amended	...	286/67	Aug. 12/67
Gasoline Tax Act			
General	206	.....	.....
amended	...	124/62	June 9/62
amended	...	174/62	July 21/62
amended	...	109/63	May 18/63
amended	...	150/64	July 4/64
amended	...	131/65	June 5/65
amended	...	108/68	April 6/68
amended	...	115/69	April 12/69
amended	...	199/69	May 31/69
amended	...	466/69	Dec. 6/69
General Welfare Assistance Act			
Dependant Fathers	...	22/63	Feb. 16/63
amended	...	154/64	July 4/64
amended	...	243/64	Oct. 3/64
amended	...	63/65	Mar. 20/65
amended	...	74/65	April 3/65
amended	...	97/65	May 8/65
amended	...	36/69	Feb. 15/69
General	...	239/67	July 15/67
amended	...	35/69	Feb. 15/69
amended	...	74/69	Mar. 15/69
amended	...	168/69	May 10/69
amended	...	303/69	Aug. 9/69

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General Welfare Assistance Act—*Continued*			
Indian Bands	208	.....	.....
amended	...	173/61	July 3/61
amended	...	119/63	June 8/63
amended	...	308/65	Dec. 4/65
amended	...	189/66	July 9/66
amended	...	18/69	Feb. 1/69
amended	...	120/69	April 12/69
amended	...	312/69	Aug. 16/69
Widows and Unmarried Women	...	111/63	May 18/63
amended	...	337/63	Dec. 28/63
Grain Elevator Storage Act			
General	209	.....	.....
amended	...	322/68	Sept. 21/68
Guarantee Companies Securities Act			
Approved Guarantee Companies	...	359/66	Dec. 3/66
amended	...	5/67	Jan. 14/67
amended	...	289/69	July 26/69
H			
Health Services Insurance Act, 1968-69			
General	...	326/69	Aug. 23/69
amended	...	351/69	Sept. 6/69
amended	...	392/69	Oct. 11/69
amended	...	393/69	Oct. 11/69
amended	...	454/69	Nov. 29/69
Highway Improvement Act			
Designations			
Miscellaneous Northern Ontario	212	.....	.....
amended	...	359/61	Dec. 2/61
amended	...	17/62	Feb. 3/62
amended	...	38/62	Feb. 24/62
amended	...	266/62	Oct. 27/62
amended	...	235/64	Sept. 19/64
amended	...	317/65	Dec. 11/65
amended	...	97/66	April 16/66
amended	...	226/66	Aug. 6/66
amended	...	17/67	Jan. 28/67
amended	...	98/68	Mar. 30/68
amended	...	426/68	Dec. 21/68
Miscellaneous Southern Ontario	213	.....	.....
amended	...	175/61	July 3/61
amended	...	342/61	Oct. 28/61
amended	...	13/62	Jan. 27/62
amended	...	39/62	Feb. 24/62
amended	...	42/62	Feb. 24/62
amended	...	180/62	July 28/62
amended	...	265/62	Oct. 27/62
amended	...	276/62	Nov. 3/62
amended	...	287/62	Nov. 10/62
amended	...	307/62	Dec. 1/62
amended	...	314/62	Dec. 8/62
amended	...	54/63	Mar. 16/63
amended	...	174/63	July 13/63
amended	...	259/63	Oct. 12/63
amended	...	331/63	Dec. 21/63
amended	...	173/64	July 18/64
amended	...	195/64	Aug. 8/64
amended	...	287/64	Oct. 31/64
amended	...	94/65	May 1/65

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Highway Improvement Act—*Continued*			
Designations—*Continued*			
Miscellaneous Southern Ontario—*Continued*			
amended	...	215/65	Sept. 11/65
amended	...	243/65	Oct. 2/65
amended	...	269/65	Nov. 6/65
amended	...	41/66	Feb. 26/66
amended	...	73/66	April 2/66
amended	.	82/66	April 9/66
amended	...	156/66	June 11/66
amended	...	203/66	July 16/66
amended	...	239/66	Aug. 13/66
amended	...	397/66	Jan. 7/67
amended	...	79/67	Mar. 18/67
amended	...	154/67	May 6/67
amended	...	227/67	July 8/67
amended	...	290/67	Aug. 19/67
amended	...	303/67	Sept. 2/67
amended	...	343/67	Oct. 14/67
amended	...	382/67	Nov. 11/67
amended	...	27/68	Feb. 17/68
amended	...	97/68	Mar. 30/68
amended	...	145/68	April 27/68
amended	...	267/68	Aug. 3/68
amended	...	344/68	Oct. 12/68
amended	...	432/68	Dec. 28/68
amended	...	80/69	Mar. 22/69
amended	...	136/69	April 19/69
amended	...	183/69	May 24/69
amended	...	251/69	July 5/69
amended	...	294/69	July 26/69
amended	...	338/69	Aug. 30/69
amended	...	371/69	Sept. 20/69
amended	...	459/69	Dec. 6/69
amended	...	488/69	Dec. 27/69
Queen Elizabeth Way	214	.....	.....
amended	...	357/61	Dec. 2/61
amended	...	1/63	Jan. 12/63
amended	...	43/63	Mar. 9/63
amended	...	53/63	Mar. 16/63
amended	...	300/63	Nov. 16/63
amended	...	126/65	May 29/65
amended	...	345/67	Oct. 14/67
amended	...	37/68	Feb. 24/68
amended	...	337/69	Aug. 30/69
Toronto to North Bay	215	.....	.....
amended	...	176/61	July 3/61
amended	...	47/66	Mar. 5/66
amended	...	114/66	April 30/66
amended	...	396/66	Jan. 7/67
amended	...	36/68	Feb. 24/68
amended	...	372/69	Sept. 20/69
amended	...	481/69	Dec. 20/69
Toronto to Quebec Boundary (Hwy. 401)	216	.....	.....
amended	...	177/61	July 3/61
amended	...	178/62	July 28/62
amended	...	120/63	June 8/63
amended	...	29/65	Feb. 6/65
amended	...	242/65	Oct. 2/65
amended	...	202/66	July 16/66
amended	...	14/69	Feb. 1/69
Toronto to Windsor (Hwy. 401)	217	.....	.....
amended	...	178/61	July 3/61
amended	...	358/61	Dec. 2/61
amended	...	12/62	Jan. 27/62

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Highway Improvement Act—*Continued*			
Designations—*Continued*			
Toronto to Windsor (Hwy. 401)—*Continued*			
amended	...	179/62	July 28/62
amended	...	16/63	Feb. 9/63
amended	...	194/63	July 27/63
amended	...	248/63	Sept. 21/63
amended	...	7/64	Jan. 25/64
amended	...	66/65	Mar. 20/65
amended	...	225/66	Aug. 6/66
amended	...	79/69	Mar. 22/69
amended	...	252/69	July 5/69
Toronto to Woodstock (Hwy. 403)	...	286/62	Nov. 10/62
amended	...	212/63	Aug. 24/63
amended	...	155/64	July 4/64
amended	...	113/66	April 30/66
amended	...	21/68	Feb. 10/68
amended	...	253/69	July 5/69
amended	...	458/69	Dec. 6/69
Trans-Canada Highway			
Orillia to Manitoba Boundary	218	.....	.....
amended	...	259/61	Aug. 5/61
amended	...	361/61	Dec. 2/61
amended	...	41/62	Feb. 24/62
amended	...	306/62	Dec. 1/62
amended	...	445/68	Jan. 4/69
Orillia to Quebec Boundary	219	.....	.....
amended	...	180/61	July 3/61
amended	...	285/61	Sept. 2/61
amended	...	360/61	Dec. 2/61
amended	...	386/61	Jan. 6/62
amended	...	151/62	June 30/62
amended	...	181/62	July 28/62
amended	...	113/63	May 25/63
amended	...	175/63	July 13/63
amended	...	194/64	Aug. 8/64
amended	...	320/64	Dec. 12/64
amended	...	258/65	Oct. 23/65
amended	...	226/67	July 8/67
amended	...	129/68	April 20/68
amended	...	269/68	Aug. 3/68
amended	...	339/69	Aug. 30/69
amended	...	489/69	Dec. 27/69
Intersections in Unorganized Territory	...	249/62	Oct. 13/62
Permits	...	118/65	May 22/65
Use of Rest, Service or Other Areas	...	381/67	Nov. 11/67
Highway Traffic Act			
Appeals	...	205/65	Aug. 28/65
Bicycles	...	179/63	July 13/63
Certificate of Mechanical Fitness	...	354/68	Oct. 19/68
Construction Zones	...	233/67	July 15/67
amended	...	251/67	July 29/67
amended	...	258/67	Aug. 5/67
amended	...	305/67	Sept. 9/67
amended	...	34/68	Feb. 24/68
amended	...	158/68	May 18/68
amended	...	181/68	June 1/68
amended	...	217/68	July 6/68
amended	...	309/68	Sept. 7/68
amended	...	359/68	Oct. 26/68
amended	...	41/69	Feb. 15/69
amended	...	145/69	May 3/69
amended	...	201/69	May 31/69
amended	...	254/69	July 5/69

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Highway Traffic Act—*Continued*			
Construction Zones—*Continued*			
amended	...	375/69	Sept. 20/69
amended	...	410/69	Nov. 8/69
amended	...	456/69	Dec. 6/69
Dangerous Loads	...	181/61	July 3/61
Demerit Point System	...	129/62	June 16/62
amended	...	339/63	Dec. 28/63
amended	...	176/64	July 18/64
Designation of Highways	222	.....	.....
Driving Instructor's Licence	223	.....	.....
amended	...	127/65	June 5/65
Equipment	224	.....	.....
amended	...	66/64	Mar. 28/64
amended	...	215/66	July 30/66
Extension of Time for Licences	...	416/68	Dec. 7/68
Extension of Time for Licences	...	472/69	Dec. 13/69
Garage and Storage Licence	226	.....	.....
General	227	.....	.....
amended	...	182/61	July 3/61
amended	...	291/61	Sept. 9/61
amended	...	157/62	June 30/62
amended	...	317/62	Dec. 15/62
amended	...	322/62	Dec. 15/62
amended	...	76/63	April 13/63
amended	...	311/63	Nov. 30/63
amended	...	40/64	Feb. 29/64
amended	...	228/64	Sept. 12/64
amended	...	297/65	Nov. 20/65
amended	...	216/66	July 30/66
amended	...	238/66	Aug. 13/66
amended	...	373/66	Dec. 17/66
amended	...	191/67	June 3/67
amended	...	234/67	July 15/67
amended	...	244/67	July 22/67
amended	...	302/67	Sept. 2/67
amended	...	394/67	Nov. 18/67
amended	...	96/68	Mar. 30/68
amended	...	103/68	April 6/68
amended	...	307/68	Sept. 7/68
amended	...	353/68	Oct. 19/68
amended	...	443/68	Jan. 4/69
amended	...	71/69	Mar. 15/69
amended	...	191/69	May 24/69
amended	...	485/69	Dec. 20/69
Gross Weight on Bridges	...	41/63	Mar. 2/63
amended	...	264/63	Oct. 19/63
Load Limits	...	40/69	Feb. 15/69
amended	...	54/69	Mar. 1/69
Parking	229	.....	.....
amended	...	114/64	May 30/64
amended	...	116/64	June 6/64
amended	...	285/64	Oct. 31/64
amended	...	310/64	Nov. 28/64
amended	...	147/66	June 4/66
amended	...	251/66	Aug. 27/66
amended	...	15/67	Jan. 28/67
amended	...	211/67	June 24/67
amended	...	296/67	Aug. 26/67
amended	...	13/68	Jan. 27/68
amended	...	159/68	May 18/68
amended	...	253/68	July 27/68
amended	...	308/68	Sept. 7/68
amended	...	144/69	May 3/69
amended	...	278/69	July 19/69

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Highway Traffic Act—*Continued*			
Parking—*Continued*			
amended	...	310/69	Aug. 9/69
amended	...	380/69	Sept. 27/69
amended	...	434/69	Nov. 15/69
amended	...	479/69	Dec. 20/69
Reciprocal Suspension of Licences	230	.....	.....
Safety Helmets for Motorcycle Riders	...	306/68	Aug. 31/68
School Buses	...	183/61	July 3/61
amended	...	119/62	June 2/62
amended	...	262/66	Sept. 3/66
Signs	231	.....	.....
amended	...	303/61	Sept. 30/61
amended	...	29/62	Feb. 17/62
amended	...	325/63	Dec. 14/63
amended	...	140/64	June 27/64
amended	...	316/64	Dec. 12/64
amended	...	171/65	July 17/65
amended	...	414/67	Dec. 16/67
amended	...	230/68	July 13/68
Slow-Moving Vehicle Sign	...	316/68	Sept. 7/68
Special Permits	...	434/68	Dec. 28/68
Speed Limit—Brock Road, City of Guelph	...	442/68	Jan. 4/69
Speed Limits	232	.....	.....
amended	...	184/61	July 3/61
amended	...	330/61	Oct. 21/61
amended	...	348/61	Nov. 18/61
amended	...	356/61	Nov. 25/61
amended	...	371/61	Dec. 16/61
amended	...	15/62	Jan. 27/62
amended	...	52/62	Mar. 3/62
amended	...	118/62	June 2/62
amended	...	128/62	June 9/62
amended	...	158/62	June 30/62
amended	...	164/62	July 14/62
amended	...	172/62	July 14/62
amended	...	183/62	July 28/62
amended	...	197/62	Aug. 18/62
amended	...	205/62	Aug. 25/62
amended	...	231/62	Sept. 29/62
amended	...	262/62	Oct. 20/62
amended	...	273/62	Oct. 27/62
amended	...	284/62	Nov. 3/62
amended	...	303/62	Nov. 24/62
amended	...	312/62	Dec. 1/62
amended	...	324/62	Dec. 15/62
amended	...	5/63	Jan. 19/63
amended	...	23/63	Feb. 16/63
amended	...	34/63	Feb. 23/63
amended	...	72/63	April 6/63
amended	...	75/63	April 13/63
amended	...	89/63	April 27/63
amended	...	114/63	May 25/63
amended	...	122/63	June 8/63
amended	...	178/63	July 13/63
amended	...	207/63	Aug. 10/63
amended	...	228/63	Aug. 31/63
amended	...	256/63	Oct. 5/63
amended	...	265/63	Oct. 19/63
amended	...	292/63	Nov. 16/63
amended	...	336/63	Dec. 28/63
amended	...	338/63	Dec. 28/63
amended	...	18/64	Feb. 1/64
amended	...	38/64	Feb. 22/64

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Highway Traffic Act—*Continued*			
Speed Limits—*Continued*			
amended	...	60/64	Mar. 14/64
amended	...	81/64	April 25/64
amended	...	88/64	May 2/64
amended	...	163/64	July 11/64
amended	...	166/64	July 11/64
amended	...	216/64	Aug. 29/64
amended	...	227/64	Sept. 12/64
amended	...	284/64	Oct. 31/64
amended	...	1/65	Jan. 23/65
amended	...	31/65	Feb. 6/65
amended	...	58/65	Mar. 13/65
amended	...	80/65	April 3/65
amended	...	109/65	May 22/65
amended	...	152/65	July 3/65
amended	...	206/65	Aug. 28/65
amended	...	246/65	Oct. 9/65
amended	...	274/65	Nov. 13/65
amended	...	336/65	Dec. 25/65
amended	...	25/66	Feb. 5/66
amended	...	68/66	Mar. 26/66
amended	...	134/66	May 21/66
amended	...	250/66	Aug. 27/66
amended	...	252/66	Aug. 27/66
amended	...	308/66	Oct. 15/66
amended	...	315/66	Oct. 22/66
amended	...	370/66	Dec. 10/66
amended	...	151/67	May 6/67
amended	...	224/67	July 8/67
amended	...	259/67	Aug. 5/67
amended	...	335/67	Sept. 30/67
amended	...	431/67	Dec. 23/67
amended	...	73/68	Mar. 16/68
amended	...	95/68	Mar. 30/68
amended	...	161/68	May 18/68
amended	...	204/68	June 22/68
amended	...	266/68	Aug. 3/68
amended	...	394/68	Nov. 16/68
amended	...	400/68	Nov. 23/68
amended	...	439/68	Jan. 4/69
amended	...	440/68	Jan. 4/69
amended	...	39/69	Feb. 15/69
amended	...	179/69	May 24/69
amended	...	400/69	Oct. 25/69
Speed Limits in Provincial Parks	233	...	...
Speed Limits on Bridges	234	...	...
amended	...	12/63	Feb. 2/63
Stop Signs at Intersections	...	117/62	June 2/62
amended	...	90/63	April 27/63
amended	...	182/63	July 13/63
amended	...	208/63	Aug. 10/63
amended	...	41/64	Feb. 29/64
amended	...	106/64	May 23/64
amended	...	138/64	June 27/64
amended	...	273/65	Nov. 13/65
amended	...	263/66	Sept. 3/66
amended	...	393/66	Jan. 7/67
amended	...	350/67	Oct. 14/67
amended	...	12/68	Jan. 27/68
amended	...	102/68	April 6/68
amended	...	160/68	May 18/68
amended	...	252/68	July 27/68
amended	...	441/68	Jan. 4/69
amended	...	143/69	May 3/69

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Stop Signs at Intersections—*Continued*			
amended	...	276/69	July 19/69
Tire Standards and Specifications	...	58/67	Feb. 25/67
amended	...	393/67	Nov. 18/67
amended	...	89/68	Mar. 23/68
amended	...	227/68	July 13/68
amended	...	438/68	Jan. 4/69
amended	...	55/69	Mar. 1/69
Use of Controlled-Access Highways by Pedestrians	...	16/67	Jan. 28/67
amended	...	277/69	July 19/69
amended	...	309/69	Aug. 9/69
Vehicle Safety	...	226/68	July 13/68
Homemakers and Nurses Services Act			
General	236	.....	.....
amended	...	72/65	Mar. 27/65
amended	...	290/68	Aug. 24/68
Homes for Retarded Persons Act, 1966			
General	...	62/68	Mar. 16/68
amended	...	118/68	April 13/68
amended	...	349/68	Oct. 19/68
amended	...	313/69	Aug. 16/69
amended	...	411/69	Nov. 8/69
Homes for Special Care Act, 1964			
General	...	261/64	Oct. 17/64
amended	...	104/65	May 15/65
amended	...	87/66	April 16/66
amended	...	135/66	May 21/66
amended	...	298/66	Oct. 8/66
amended	...	236/68	July 20/68
amended	...	397/68	Nov. 16/68
amended	...	76/69	Mar. 15/69
Homes for the Aged and Rest Homes Act			
General	237	.....	.....
amended	...	185/61	July 3/61
amended	...	325/61	Oct. 21/61
amended	...	25/63	Feb. 16/63
amended	...	231/63	Aug. 31/63
amended	...	219/64	Sept. 5/64
amended	...	219/67	July 8/67
amended	...	221/69	June 14/69
Hospital Labour Disputes Arbitration Act, 1965			
Remuneration of Chairman and Members of Board of Arbitration	...	214/65	Sept. 11/65
amended	...	469/69	Dec. 6/69
Rules of Procedure	...	90/65	April 24/65
Hospital Services Commission Act			
Capital Grants for Schools for the Education of Hospital and Related Personnel	...	82/68	Mar. 23/68
General	...	1/67	Jan. 14/67
amended	...	121/67	April 15/67
amended	...	133/67	April 22/67
amended	...	187/67	May 27/67
amended	...	218/67	July 1/67
amended	...	229/67	July 8/67
amended	...	301/67	Sept. 2/67
amended	...	447/67	Dec. 30/67
amended	...	57/68	Mar. 16/68
amended	...	137/68	April 20/68

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General—*Continued*			
amended	...	149/68	May 4/68
amended	...	199/68	June 15/68
amended	...	231/68	July 13/68
amended	...	260/68	Aug. 3/68
amended	...	261/68	Aug. 3/68
amended	...	262/68	Aug. 3/68
amended	...	273/68	Aug. 10/68
amended	...	351/68	Oct. 19/68
amended	...	386/68	Nov. 9/68
amended	...	407/68	Nov. 30/68
amended	...	11/69	Jan. 25/69
amended	...	37/69	Feb. 15/69
amended	...	62/69	Mar. 8/69
amended	...	89/69	Mar. 29/69
amended	...	90/69	Mar. 29/69
amended	...	112/69	April 5/69
amended	...	204/69	June 7/69
amended	...	299/69	Aug. 2/69
amended	...	373/69	Sept. 20/69
Insured Services—Community Psychiatric Hospitals	...	268/66	Sept. 10/66
Nursing Homes for Chronic Care	239	.....	.....
Premium Rates	...	273/68	Aug. 10/68
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Exemptions (*revoking*)	...	114/69	April 12/69
Hotel Fire Safety Act			
General	...	249/66	Aug. 27/66
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General	...	190/63	July 20/63
Hypnosis Act, 1960-61			
Application of Section 2 of Act	...	353/61	Nov. 18/61
I			
Income Tax Act, 1961-62			
Armed Forces	...	33/63	Feb. 23/63
General	...	77/62	April 14/62
amended	...	61/66	Mar. 26/66
amended	...	47/67	Feb. 18/67
amended	...	49/69	Mar. 1/69
Industrial Safety Act, 1964			
Foundries	...	197/64	Aug. 15/64
General	...	196/64	Aug. 15/64
Grain Elevators	...	225/65	Sept. 25/65
Industrial Standards Act			
Advisory Committees	242	.....	.....
amended	...	187/61	July 3/61
amended	...	340/61	Oct. 28/61
amended	...	363/61	Dec. 2/61
amended	...	2/62	Jan. 13/62
amended	...	46/62	Mar. 3/62
amended	...	115/62	May 26/62
amended	...	196/62	Aug. 18/62
amended	...	227/62	Sept. 29/62
amended	...	281/62	Nov. 3/62
amended	...	60/63	Mar. 23/63
amended	...	201/63	Aug. 3/63

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Hard Furniture Industry	243	.....	.....
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amended	...	244/61	July 15/61
amended	...	272/61	Aug. 19/61
amended	...	297/61	Sept. 23/61
amended	...	315/61	Oct. 14/61
amended	...	14/62	Jan. 27/62
amended	...	21/62	Feb. 3/62
amended	...	22/62	Feb. 3/62
amended	...	74/62	April 7/62
amended	...	97/62	May 12/62
amended	...	98/62	May 12/62
amended	...	122/62	June 2/62
amended	...	189/62	Aug. 4/62
amended	...	225/62	Sept. 15/62
amended	...	298/62	Nov. 17/62
amended	...	95/63	May 4/63
amended	...	232/63	Aug. 31/63
amended	...	20/64	Feb. 8/64
amended	...	171/64	July 18/64
amended	...	215/64	Aug. 29/64
amended	...	225/64	Sept. 12/64
amended	...	238/64	Sept. 26/64
amended	...	309/64	Nov. 28/64
amended	...	314/64	Dec. 5/64
amended	...	73/65	Mar. 27/65
amended	...	83/65	April 10/65
amended	...	89/65	April 24/65
amended	...	264/65	Oct. 30/65
amended	...	52/66	Mar. 5/66
amended	...	126/66	May 14/66
amended	...	297/66	Oct. 8/66
amended	...	3/67	Jan. 14/67
amended	...	49/67	Feb. 18/67
amended	...	50/67	Feb. 18/67
amended	...	64/67	Feb. 25/67
amended	...	80/67	Mar. 18/67
amended	...	117/67	April 15/67
amended	...	131/67	April 22/67
amended	...	220/67	July 8/67
amended	...	319/67	Sept. 16/67
amended	...	320/67	Sept. 16/67
amended	...	328/67	Sept. 23/67
amended	...	333/67	Sept. 30/67
amended	...	334/67	Sept. 30/67
amended	...	427/67	Dec. 16/67
amended	...	203/68	June 22/68
amended	...	365/68	Nov. 2/68
amended	...	213/69	June 14/69
amended	...	341/69	Aug. 30/69
amended	...	343/69	Sept. 6/69
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Ajax	...	1/62	Jan. 13/62
Arnprior	...	417/68	Dec. 14/68
Aurora	...	434/67	Dec. 23/67
Aylmer	...	428/67	Dec. 16/67
Barrie	...	326/67	Sept. 23/67
Beamsville	252	.....	.....

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Blyth	254		
Bracebridge	...	42/68	Mar. 2/68
Brampton	256		
Brantford	...	51/67	Feb. 18/67
Brockville	258		
Brussels	254		
Burlington	259		
Campbellford	260		
Cardinal	...	444/67	Dec. 30/67
Carleton Place	...	284/68	Aug. 17/68
Clinton (Town of)	...	188/61	July 3/61
Clinton (Township of)	252		
Cobourg	...	425/67	Dec. 16/67
Collingwood	265		
Cornwall	266		
amended	...	267/67	Aug. 5/67
Dundas	267		
Elora	268		
Essex County	...	226/64	Sept. 12/64
Fergus	268		
Forest	294		
Fort Frances	270		
Fort William-Port Arthur	271		
amended	...	210/64	Aug. 22/64
amended	...	138/68	April 20/68
Galt	...	221/65	Sept. 18/65
Gananoque	273		
Georgetown	...	218/68	July 6/68
Goderich	...	188/61	July 3/61
Gravenhurst	...	42/68	Mar. 2/68
Grimsby	252		
Guelph	...	27/67	Feb. 11/67
Hamilton	...	310/62	Dec. 1/62
Huntsville	...	42/68	Mar. 2/68
Iroquois	...	444/67	Dec. 30/67
Kapuskasing	...	84/64	May 2/64
Keewatin	276		
Kenora	276		
Kent County	...	142/67	April 22/67
Kingston	277		
Kitchener-Waterloo	...	18/63	Feb. 9/63
Lindsay	279		
London	...	189/61	July 3/61
amended	...	90/67	Mar. 25/67
Louth	252		
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amended	...	380/61	Dec. 23/61
Midland	283		
Morrisburg	...	444/67	Dec. 30/67
Newmarket	...	434/67	Dec. 23/67
Niagara Falls	...	190/61	July 3/61
amended	...	139/68	April 20/68
Norfolk-Haldimand	...	19/68	Feb. 3/68
North Bay	...	136/65	June 12/65
amended	...	266/67	Aug. 5/67
Oak Ridges	...	434/67	Dec. 23/67
Oakville	...	366/67	Oct. 28/67
Orillia	...	403/67	Nov. 25/67
Oshawa	...	10/63	Feb. 2/63
Ottawa	...	341/62	Jan. 5/63

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Ottawa—*Continued*			
amended	...	333/66	Nov. 12/66
Owen Sound	...	191/61	July 3/61
amended	...	493/69	Dec. 27/69
Paris	...	60/67	Feb. 25/67
Pembroke	...	367/67	Oct. 28/67
Penetanguishene	283	.....	.....
Perth	...	285/68	Aug. 17/68
Peterborough	...	398/68	Nov. 16/68
Petrolia	294	.....	.....
Picton	...	28/68	Feb. 17/68
Point Edward	...	309/66	Oct. 15/66
Port Colborne	...	41/68	Mar. 2/68
Port Hope	...	339/61	Oct. 28/61
Port McNicoll	283	.....	.....
Prescott	...	444/67	Dec. 30/67
Renfrew	...	411/67	Dec. 9/67
amended	...	418/68	Dec. 14/68
St. Catharines	...	193/61	July 3/61
amended	...	175/68	May 25/68
St. Marys	299	.....	.....
St. Thomas	...	116/65	May 22/65
Sarnia	...	309/66	Oct. 15/66
Sault Ste. Marie	...	412/67	Dec. 9/67
Schumacher	309	.....	.....
Seaforth	...	188/61	July 3/61
Smiths Falls	...	426/67	Dec. 16/67
amended	...	243/68	July 20/68
South Porcupine	309	.....	.....
Stoney Creek—Saltfleet	...	234/64	Sept. 19/64
Stratford	305	.....	.....
Sudbury	...	134/65	June 12/65
Teck	307	.....	.....
Teeswater	254	.....	.....
Tillsonburg	...	40/68	Mar. 2/68
Timmins	309	.....	.....
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Victoria Harbour	283	.....	.....
Welland	...	364/61	Dec. 2/61
Whitby	...	195/62	Aug. 18/62
Wingham	254	.....	.....
Woodstock	...	212/69	June 14/69
Bricklaying and Stonemasonry Industry			
Cornwall	314	.....	.....
Hamilton	...	184/65	July 31/65
amended	...	393/68	Nov. 2/68
Kitchener-Waterloo	315	.....	.....
Oshawa	316	.....	.....
Ottawa	...	115/65	May 22/65
amended	...	11/67	Jan. 21/67
Port Arthur-Fort William	318	.....	.....
amended	...	83/68	Mar. 23/68
Sarnia	319	.....	.....
amended	...	66/69	Mar. 8/69
Toronto	...	28/66	Feb. 12/66
amended	...	39/68	Mar. 2/68
Whitby	316	.....	.....
Windsor	320	.....	.....
Carpentry Industry			
Belleville	321	.....	.....
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Fort Frances	324	.....	.....
Hamilton	...	169/65	July 17/65
amended	...	6/69	Jan. 25/69
Keewatin	325	.....	.....
Kenora	325	.....	.....
Kingston	326	.....	.....
Niagara Falls	327	.....	.....
Oshawa	328	.....	.....
Ottawa	...	170/65	July 17/65
amended	...	59/67	Feb. 25/67
Owen Sound	330	.....	.....
St. Catharines	331	.....	.....
Sudbury	332	.....	.....
Whitby	328	.....	.....
Windsor	...	137/65	June 12/65
amended	...	8/69	Jan. 25/69
Common Labourers Construction Industry			
Windsor	335	.....	.....
amended	...	9/69	Jan. 25/69
Electrical Repair and Construction Industry			
Belleville	336	.....	.....
Chatham	337	.....	.....
Cornwall	338	.....	.....
London	...	194/61	July 3/61
Niagara Falls	340	.....	.....
Oshawa	341	.....	.....
Ottawa	...	265/64	Oct. 24/64
amended	...	12/67	Jan. 21/67
Port Arthur-Fort William	343	.....	.....
St. Thomas	...	37/65	Feb. 20/65
Sarnia	...	195/61	July 3/61
Toronto	...	117/65	May 22/65
amended	...	448/69	Nov. 22/69
Welland	345	.....	.....
Whitby	341	.....	.....
Windsor	346	.....	.....
Fur Industry			
Ontario	...	4/67	Jan. 14/67
Ladies' Cloak and Suit Industry			
Ontario	348	.....	.....
amended	...	184/63	July 13/63
amended	...	63/64	Mar. 21/64
amended	...	165/66	June 11/66
Ladies' Dress and Sportswear Industry			
Ontario	349	.....	.....
amended	...	86/62	April 21/62
amended	...	2/64	Jan. 11/64
amended	...	34/66	Feb. 12/66
amended	...	164/67	May 13/67
amended	...	332/67	Sept. 30/67
Lathing Industry			
Hamilton	...	196/61	July 3/61
Ottawa	...	183/65	July 31/65
amended	...	207/68	June 22/68
Men's and Boys' Clothing Industry			
Ontario	351	.....	.....
amended	...	369/61	Dec. 9/61
amended	...	345/68	Oct. 12/68
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Ontario	352	.....	.....
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Ontario	...	204/64	Aug. 15/64

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Brantford	354	.....	.....
Cornwall	355	.....	.....
Hamilton	356	.....	.....
Kingston	357	.....	.....
Kitchener-Waterloo	...	197/61	July 3/61
London	358	.....	.....
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Oshawa	360	.....	.....
Ottawa	...	29/66	Feb. 12/66
amended	...	91/67	Mar. 25/67
Peterborough	362	.....	.....
Port Arthur-Fort William	363	.....	.....
amended	...	433/67	Dec. 23/67
St. Catharines	...	198/61	July 3/61
Sault Ste. Marie	364	.....	.....
Toronto	...	443/67	Dec. 30/67
Whitby	360	.....	.....
Windsor	366	.....	.....
Plastering Industry			
Brantford	367	.....	.....
Hamilton	368	.....	.....
Kitchener-Waterloo	369	.....	.....
Oshawa	370	.....	.....
Ottawa	...	135/65	June 12/65
amended	...	141/67	April 22/67
Port Arthur-Fort William	...	116/62	May 26/62
St. Catharines	372	.....	.....
Sarnia	...	199/61	July 3/61
amended	...	65/69	Mar. 8/69
Sudbury	...	222/65	Sept. 18/65
amended	...	318/67	Sept. 16/67
Toronto	...	182/65	July 31/65
amended	...	22/68	Feb. 10/68
Whitby	370	.....	.....
Windsor	...	142/69	April 26/69
Plumbing and Heating Industry			
Belleville	376	.....	.....
Kitchener-Waterloo	377	.....	.....
London	378	.....	.....
Oshawa	379	.....	.....
Ottawa	...	224/64	Sept. 12/64
amended	...	332/66	Nov. 12/66
amended	...	7/69	Jan. 25/69
Port Arthur-Fort William	...	200/61	July 3/61
Toronto	...	419/68	Dec. 14/68
Welland	382	.....	.....
Whitby	379	.....	.....
Windsor	...	315/65	Dec. 11/65
amended	...	10/69	Jan. 25/69
Sheet-Metal Work Construction Industry			
Belleville	388	.....	.....
Ottawa	...	23/66	Feb. 5/66
amended	...	13/67	Jan. 21/67
Port Arthur-Fort William	390	.....	.....
Windsor	391	.....	.....
Insurance Act			
Agents' Licences for Insurance other than Life Insurance	392	.....	.....
amended	...	240/61	July 15/61
amended	...	374/61	Dec. 16/61

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amended	...	23/62	Feb. 3/62
amended	...	293/62	Nov. 10/62
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Rules of Practice	396	.....	.....
amended	...	201/61	July 3/61
amended	...	162/62	July 7/62
amended	...	80/63	April 20/63
amended	...	180/64	July 25/64
amended	...	155/65	July 3/65
amended	...	207/66	July 23/66
amended	...	242/67	July 15/67
amended	...	140/68	April 20/68
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amended	...	249/68	July 20/68
amended	...	189/69	May 24/69
Stenographic Reporters	...	220/66	July 30/66
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Application for Bank Loan	...	253/63	Sept. 28/63
General	398	.....	.....
amended	...	245/63	Sept. 14/63
amended	...	37/64	Feb. 22/64
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Fees	...	257/65	Oct. 23/65
L			
Labour Relations Act			
General	399	.....	.....
amended	...	337/62	Dec. 29/62
amended	...	295/66	Oct. 1/66
amended	...	468/69	Dec. 6/69
Jurisdictional Disputes Commission	...	265/66	Sept. 10/66
Office of the Board	400	.....	.....
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Code of Standards and Procedure for Surveys and Plans	...	77/63	April 13/63
amended	...	420/69	Nov. 8/69
Land Titles Divisions	...	356/67	Oct. 21/67
amended	...	371/67	Nov. 4/67
amended	...	382/68	Nov. 2/68
Microfilming of Land Titles Records	...	438/67	Dec. 23/67
amended	...	421/69	Nov. 8/69

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amended	...	203/61	July 3/61
amended	...	329/63	Dec. 14/63
amended	...	47/64	Mar. 7/64
amended	...	48/64	Mar. 7/64
amended	...	160/64	July 4/64
amended	...	347/65	Jan. 8/66
amended	...	150/66	June 4/66
amended	...	248/67	July 22/67
amended	...	249/67	July 22/67
amended	...	49/68	Mar. 9/68
amended	...	187/69	May 24/69
amended	...	419/69	Nov. 8/69
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General	...	257/69	July 5/69
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Table	...	27/62	Feb. 10/62
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amended	...	106/68	April 6/68
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General	...	35/66	Feb. 12/66
amended	...	223/67	July 8/67
amended	...	455/67	Jan. 6/68
amended	...	48/69	Mar. 1/69
amended	...	185/69	May 24/69
Negotiation and Arbitration Procedures	...	318/66	Oct. 29/66
Liquor Licence Act			
Fees on Votes and Licensing Districts	406	.....	.....
amended	...	204/61	July 3/61
General	...	187/65	July 31/65
amended	...	363/66	Dec. 3/66
amended	...	34/67	Feb. 11/67
amended	...	407/67	Dec. 2/67
amended	...	454/67	Jan. 6/68
amended	...	184/69	May 24/69
Votes	408	.....	.....
Live Stock and Live Stock Products Act			
Eggs	409	.....	.....
Hogs	410	.....	.....
Wool	411	.....	.....
Live Stock Community Sales Act			
General	412	.....	.....
amended	...	328/65	Dec. 18/65
amended	...	385/68	Nov. 9/68
Loan and Trust Corporations Act			
Approved Trust Companies	413	.....	.....
amended	...	240/66	Aug. 13/66
amended	...	284/66	Sept. 24/66
amended	...	45/69	Feb. 22/69
Common Trust Funds	414	.....	.....
amended	...	300/68	Aug. 31/68

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	R.R.O. 1960	O. Reg.	
Local Roads Boards Act, 1964			
Establishment of Local Roads Areas	...	54/65	Mar. 13/65
amended	...	87/65	April 17/65
amended	...	108/65	May 15/65
amended	...	121/65	May 29/65
amended	...	132/65	June 5/65
amended	...	55/66	Mar. 12/66
amended	...	66/66	Mar. 26/66
amended	...	78/66	April 9/66
amended	...	99/66	April 23/66
amended	...	117/66	May 7/66
amended	...	140/66	May 21/66
amended	...	144/66	May 28/66
amended	...	153/66	June 11/66
amended	...	209/66	July 30/66
amended	...	337/66	Nov. 19/66
amended	...	387/66	Dec. 31/66
amended	...	53/67	Feb. 18/67
amended	...	63/67	Feb. 25/67
amended	...	81/67	Mar. 18/67
amended	...	146/67	April 29/67
amended	...	156/67	May 6/67
amended	...	193/67	June 3/67
amended	...	195/67	June 10/67
amended	...	285/67	Aug. 12/67
amended	...	391/67	Nov. 18/67
amended	...	18/68	Feb. 3/68
amended	...	80/68	Mar. 23/68
amended	...	151/68	May 4/68
amended	...	166/68	May 18/68
amended	...	195/68	June 15/68
amended	...	387/68	Nov. 9/68
amended	...	429/68	Dec. 21/68
amended	...	23/69	Feb. 1/69
amended	...	57/69	Mar. 8/69
amended	...	83/69	Mar. 22/69
amended	...	151/69	May 3/69
amended	...	176/69	May 17/69
amended	...	210/69	June 7/69
amended	...	354/69	Sept. 13/69
amended	...	437/69	Nov. 15/69
amended	...	484/69	Dec. 20/69
General	...	315/64	Dec. 5/64
amended	...	74/67	Mar. 11/67
Loggers' Safety Act, 1962-63			
General	...	317/64	Dec. 12/64
amended	...	60/66	Mar. 19/66
amended	...	268/69	July 12/69
M			
Magistrates Act			
General	415	.....	.....
amended	...	219/66	July 30/66
Meat Inspection Act (Ontario), 1962-63			
Exemptions	...	106/67	April 8/67
amended	...	378/67	Nov. 11/67
amended	...	8/68	Jan. 27/68
amended	...	84/69	Mar. 29/69
General	...	20/65	Feb. 6/65
amended	...	208/68	June 22/68

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	R.R.O. 1960	O. Reg.	
Medical Services Insurance Act, 1965			
General (*revoking*)	...	327/69	Aug. 23/69
Mental Health Act, 1967			
Application of Act	...	53/68	Mar. 16/68
amended	...	270/68	Aug. 10/68
amended	...	298/68	Aug. 31/68
amended	...	305/68	Aug. 31/68
amended	...	380/68	Nov. 2/68
amended	...	436/68	Dec. 28/68
amended	...	31/69	Feb. 8/69
amended	...	367/69	Sept. 20/69
amended	...	475/69	Dec. 13/69
Grants	...	.....	.....
amended	...	298/69	Aug. 2/69
amended	...	366/69	Sept. 20/69
Mental Hospitals Act			
General	...	190/68	June 8/68
amended	...	72/69	Mar. 15/69
amended	...	133/69	April 19/69
amended	...	455/69	Nov. 29/69
Residential Units	...	191/68	June 8/68
amended	...	132/69	April 19/69
Milk Industry Act and Milk Act, 1965			
By-laws for Marketing Boards	420	.....	.....
amended	...	281/65	Nov. 20/65
amended	...	341/65	Jan. 1/66
Cheese			
Marketing	...	44/66	Feb. 26/66
amended	...	81/66	April 9/66
Marketing—Exemptions	...	367/66	Dec. 3/66
amended	...	308/69	Aug. 9/69
Transfer of Assets of Marketing Board	...	42/66	Feb. 26/66
amended	...	53/66	Mar. 12/66
Concentrated Milk			
Plan	426	.....	.....
amended	...	43/64	Feb. 29/64
amended	...	244/65	Oct. 2/65
amended	...	285/65	Nov. 20/65
Cream for Processing			
Marketing	427	.....	.....
amended	...	286/65	Nov. 20/65
amended	...	307/67	Sept. 9/67
Plan	428	.....	.....
amended	...	256/65	Oct. 23/65
amended	...	287/65	Nov. 20/65
Designation of Grade A Milk and Industrial Milk	...	280/65	Nov. 20/65
Designations			
Milk Products	...	107/66	April 23/66
amended	...	128/67	April 22/67
Fluid Milk Products			
Designation, Containers and Labelling	...	107/67	April 8/67
amended	...	323/67	Sept. 16/67
amended	...	209/68	June 22/68
amended	...	433/68	Dec. 28/68
amended	...	390/69	Oct. 11/69
Grade A Milk			
General	432	.....	.....
amended	...	208/61	July 3/61
amended	...	335/61	Oct. 28/61
amended	...	45/62	Feb. 24/62

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	R.R.O. 1960	O. Reg.	
Milk Industry Act and Milk Act, 1965—*Continued*			
Grade A Milk—*Continued*			
General—*Continued*			
amended		148/63	June 22/63
amended		344/64	Jan. 16/65
amended		47/65	Feb. 27/65
amended		289/65	Nov. 20/65
amended		86/66	April 16/66
amended		76/67	Mar. 11/67
amended		196/67	June 10/67
amended		288/67	Aug. 19/67
amended		322/67	Sept. 16/67
amended		24/68	Feb. 10/68
amended		72/68	Mar. 16/68
amended		210/68	June 22/68
amended		111/69	April 5/69
Marketing		70/68	Mar. 16/68
amended		130/68	April 20/68
amended		221/68	July 6/68
amended		292/68	Aug. 24/68
amended		259/69	July 5/69
amended		260/69	July 5/69
amended		307/69	Aug. 9/69
amended		384/69	Oct. 4/69
Producers		52/68	Mar. 9/68
amended		131/68	April 20/68
Transportation		71/68	Mar. 16/68
amended		132/68	April 20/68
amended		385/69	Oct. 4/69
Industrial Milk			
Marketing		69/68	Mar. 16/68
amended		220/68	July 6/68
amended		258/69	July 5/69
Payment to Marketing Board		470/69	Dec. 6/69
amended		499/69	Jan. 3/70
Marketing Boards	433		
amended		290/65	Nov. 20/65
amended		215/68	June 29/68
Milk			
Marketing		294/65	Nov. 20/65
amended		160/66	June 11/66
amended		201/66	July 16/66
amended		261/66	Sept. 3/66
amended		390/66	Dec. 31/66
amended		194/67	June 3/67
amended		58/68	Mar. 16/68
amended		216/68	June 29/68
Plan		202/65	Aug. 28/65
amended		250/65	Oct. 9/65
amended		43/66	Feb. 26/66
amended		304/67	Sept. 2/67
amended		360/67	Oct. 28/67
amended		2/68	Jan. 13/68
amended		3/69	Jan. 18/69
amended		27/69	Feb. 8/69
amended		123/69	April 12/69
amended		500/69	Jan. 3/70
Milk Products	434		
amended		209/61	July 3/61
amended		274/63	Nov. 2/63
amended		179/64	July 25/64
amended		48/65	Feb. 27/65
amended		291/65	Nov. 20/65
amended		204/66	July 23/66
amended		197/67	June 10/67

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	R.R.O. 1960	O. Reg.	
Milk Industry Act and Milk Act, 1965—*Continued*			
Milk Products—*Continued*			
amended		289/67	Aug. 19/67
amended		23/68	Feb. 10/68
amended		33/68	Feb. 24/68
amended		193/68	June 8/68
amended		321/68	Sept. 21/68
Milk Products—Licences		68/68	Mar. 16/68
amended		126/69	April 19/69
Purchase and Sale of Milk for Northern Ontario Pool		305/66	Oct. 8/66
amended		174/67	May 27/67
Reconstituted Milk			
General		106/66	April 23/66
amended		116/66	May 7/66
Mining Act			
Boring Permits for Petroleum and Natural Gas	438	.....	.....
Exploratory Licences and Leases for Oil and Natural Gas in Lower Great Lakes	440	.....	.....
amended		125/62	June 9/62
amended		53/65	Mar. 13/65
amended		163/65	July 10/65
amended		35/68	Feb. 24/68
Forms	441	.....	.....
amended		257/63	Oct. 12/63
amended		345/63	Jan. 4/64
amended		17/65	Jan. 30/65
amended		217/67	July 1/67
amended		177/69	May 17/69
amended		239/69	June 28/69
Lands Open for Prospecting, Staking Out or Leasing		4/68	Jan. 13/68
Lands Open for Prospecting, Staking Out or Leasing		4/69	Jan. 18/69
Lands Withdrawn from Prospecting	442	.....	.....
amended		200/63	Aug. 3/63
amended		296/63	Nov. 16/63
Mining Divisions		311/69	Aug. 16/69
Permits to Remove Quartz		379/67	Nov. 11/67
Refinery Licences	444	.....	.....
Sale of Rights to Explore for Minerals		108/67	April 8/67
Surveys of Mining Claims	445	.....	.....
Moosonee Development Area Board Act, 1966			
Amendment to Schedule B of Act		377/69	Sept. 27/69
Mortgage Brokers Registration Act			
General	446	.....	.....
amended		241/61	July 15/61
Mortmain and Charitable Uses Act			
Licences and Fees	447	.....	.....
amended		338/61	Oct. 28/61
amended		10/65	Jan. 30/65
Mothers' Allowances Act			
General		21/63	Feb. 9/63
amended		242/64	Oct. 3/64
amended		62/65	Mar. 20/65
amended		75/65	April 3/65
amended		98/65	May 8/65

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	R.R.O. 1960	O. Reg.	
Motor Vehicle Accident Claims Act, 1961-62			
General		155/62	June 30/62
amended		22/64	Feb. 8/64
amended		80/64	April 25/64
amended		217/66	July 30/66
amended		311/66	Oct. 22/66
Motor Vehicle Fuel Tax Act			
Exemptions	449		
Motorized Snow Vehicles Act, 1968			
General		360/68	Oct. 26/68
amended		15/69	Feb. 1/69
amended		492/69	Dec. 27/69
Municipal Act			
Attendance Credits for Jail Employees		153/67	May 6/67
Pension Plan for Municipal Employees	451		
amended		167/62	July 14/62
amended		27/65	Feb. 6/65
N			
Niagara Parks Act			
General		486/69	Dec. 20/69
Notaries Act, 1962-63			
Fees		288/63	Nov. 2/63
Nurses Act, 1961-62			
General		342/62	Jan. 5/63
amended		132/63	June 15/63
amended		211/63	Aug. 17/63
amended		208/64	Aug. 22/64
amended		280/67	Aug. 12/67
amended		325/68	Sept. 21/68
amended		379/68	Nov. 2/68
amended		125/69	April 12/69
amended		465/69	Dec. 6/69
Nursing Homes Act, 1966			
General		37/67	Feb. 18/67
amended		44/68	Mar. 9/68
amended		396/68	Nov. 16/68
O			
Official Notices Publication Act			
Rates		205/66	July 23/66
Old Age Assistance Act			
General	457		
Oleomargarine Act			
General	458		
amended		320/63	Dec. 7/63
amended		330/63	Dec. 21/63
amended		56/64	Mar. 14/64
amended		9/68	Jan. 27/68
amended		85/68	Mar. 23/68

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Ontario Energy Board Act and Ontario Energy Board Act, 1964			
General	459	.....	.....
amended	...	88/62	April 21/62
amended	...	330/62	Dec. 22/62
amended	...	7/63	Jan. 26/63
amended	...	150/63	June 29/63
amended	...	299/64	Nov. 14/64
amended	...	328/66	Nov. 5/66
amended	...	70/69	Mar. 15/69
amended	...	287/69	July 26/69
General	...	323/64	Dec. 26/64
amended	...	325/69	Aug. 23/69
Rules of Procedure	...	324/64	Dec. 26/64
amended	...	99/67	Mar. 25/67
Uniform System of Accounts for Gas Utilities Class A	...	245/66	Aug. 20/66
Ontario Food Terminal Act			
Composition of Board	461	.....	.....
Conduct of Business	...	99/65	May 8/65
Procedure of the Board	463	.....	.....
Ontario Highway Transport Board Act			
Rules of Procedure	464	.....	.....
Ontario Human Rights Code, 1961-62			
Form of Complaint	...	130/62	June 16/62
Ontario Institute for Studies in Education Act, 1965			
General	...	174/65	July 24/65
amended	...	327/65	Dec. 18/65
Ontario Municipal Board Act			
Composition of Board	465	.....	.....
Procedure	466	.....	.....
Ontario Municipal Employees Retirement System Act, 1961-62			
Employer's Contribution	...	73/64	April 18/64
amended	...	2/65	Jan. 23/65
General	...	168/62	July 14/62
amended	...	88/65	April 24/65
amended	...	133/65	June 5/65
amended	...	216/65	Sept. 11/65
amended	...	249/65	Oct. 9/65
amended	...	8/66	Jan. 22/66
amended	...	396/67	Nov. 25/67
amended	...	397/67	Nov. 25/67
amended	...	435/67	Dec. 23/67
amended	...	293/68	Aug. 24/68
amended	...	317/69	Aug. 16/69
Ontario Municipal Improvement Corporation Act			
Interest on Debentures	...	99/63	May 4/63
amended	...	273/69	July 12/69
Procedure	468	.....	.....
Ontario Producers, Processors, Distributors and Consumers Food Council Act, 1962-63			
Designations of Products	...	211/68	June 22/68
Ontario School Trustees' Council Act			
Composition of Council	...	22/69	Feb. 1/69

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	R.R.O. 1960	O. Reg.	
Ontario Telephone Development Corporation Act			
Composition of Corporation	470	...	...
Ontario Universities Capital Aid Corporation Act, 1964			
Designated Universities	...	364/66	Dec. 3/66
Ontario Water Resources Commission Act			
Discharge of Sewage from Pleasure Boats	...	284/69	July 26/69
Exemptions from Section 28*b*	...	70/63	April 6/63
Plumbing Code	471	...	...
amended	...	178/64	July 25/64
amended	...	246/66	Aug. 27/66
amended	...	221/67	July 8/67
Water Wells	...	46/69	Mar. 1/69
Operating Engineers Act, 1965			
General	...	196/69	May 31/69
amended	...	477/69	Dec. 13/69
Ophthalmic Dispensers Act, 1960-61			
General	...	248/65	Oct. 9/65
Optometry Act, 1961-62			
General	...	166/63	July 6/63
amended	...	316/65	Dec. 11/65
amended	...	299/66	Oct. 8/66
P			
Parks Assistance Act			
General	475	...	...
amended	...	331/67	Sept. 30/67
Partnerships Registration Act			
General	...	422/69	Nov. 8/69
Penal and Reform Institutions Inspection Act			
Conduct Record in Reformatories	478	...	...
amended	...	319/64	Dec. 12/64
amended	...	402/67	Nov. 25/67
Pension Benefits Act, 1965			
General	...	103/66	April 23/66
amended	...	148/67	April 29/67
amended	...	409/67	Dec. 2/67
amended	...	10/68	Jan. 27/68
amended	...	323/68	Sept. 21/68
amended	...	91/69	Mar. 29/69
amended	...	92/69	Mar. 29/69
Personal Property Security Act, 1967			
Branch Offices	...	112/68	April 6/68
Pesticides Act, 1967			
General	...	445/67	Dec. 30/67
amended	...	189/68	June 1/68
amended	...	139/69	April 26/69
amended	...	197/69	May 31/69
amended	...	340/69	Aug. 30/69
amended	...	386/69	Oct. 4/69

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Pharmacy Act			
Labelling	...	256/68	July 27/68
Registration and Apprenticeship	480	.....	.....
amended	...	234/63	Sept. 7/63
amended	...	294/64	Nov. 14/64
amended	...	187/66	July 9/66
amended	...	222/68	July 6/68
amended	...	415/69	Nov. 8/69
Sale of Drugs	481	.....	.....
amended	...	304/61	Sept. 30/61
amended	...	312/66	Oct. 22/66
amended	...	255/68	July 27/68
Schedules to the Act (Sale of Drugs)	...	254/68	July 27/68
Standards for Maintenance and Operation of Pharmacies	...	386/66	Dec. 31/66
Planning Act			
Restricted Areas			
Blind River	482	.....	.....
County of Bruce, Townships of—			
Albemarle	...	214/69	June 14/69
amended	...	335/69	Aug. 30/69
Culross	...	360/69	Sept. 13/69
Eastnor	...	443/69	Nov. 22/69
Elderslie	...	361/69	Sept. 13/69
Greenock	...	362/69	Sept. 13/69
Kinloss	...	363/69	Sept. 13/69
Lindsay	...	446/69	Nov. 22/69
St. Edmunds	...	445/69	Nov. 22/69
County of Durham, Townships of—			
Cartwright	...	84/67	Mar. 25/67
Cavan	...	51/69	Mar. 1/69
Manvers	...	83/67	Mar. 25/67
County of Essex, Townships of—			
South Colchester	...	357/69	Sept. 13/69
Tilbury North	...	358/69	Sept. 13/69
amended	...	462/69	Dec. 6/69
Tilbury West	...	365/69	Sept. 13/69
amended	...	461/69	Dec. 6/69
County of Glengarry, Township of Lancaster	...	267/69	July 12/69
amended	...	334/69	Aug. 30/69
County of Grey, Townships of—			
Artemesia	...	241/69	June 28/69
Holland	...	444/69	Nov. 22/69
Keppel	...	215/69	June 14/69
Osprey	...	243/69	June 28/69
Saint Vincent	...	442/69	Nov. 22/69
Sarawak	...	217/69	June 14/69
County of Haldimand, Townships of—			
Dunn	...	68/69	Mar. 15/69
amended	...	490/69	Dec. 27/69
Moulton (*revoking*)	...	263/69	July 12/69
South Cayuga (*revoking*)	...	463/69	Dec. 6/69
County of Haliburton, Township of Cardiff	...	122/68	April 13/68
amended	...	173/69	May 17/69
County of Kent, Township of Tilbury East	...	359/69	Sept. 13/69
County of Lennox and Addington, Township of Camden East	...	130/69	April 19/69
amended	...	193/69	May 31/69
County of Norfolk, Township of Houghton (*revoking*)	...	306/69	Aug. 9/69
County of Northumberland, Townships of—			
Cramahe	...	398/69	Oct. 18/69
Percy	...	399/69	Oct. 25/69

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Planning Act—*Continued*			
Restricted Areas—*Continued*			
County of Northumberland, Townships of—*Continued*			
South Monaghan	..	58/69	Mar. 8/69
County of Peterborough, Townships of—			
Belmont and Methuen	..	438/69	Nov. 15/69
Dummer	..	439/69	Nov. 15/69
Ennismore	..	216/69	June 14/69
County of Russell, Townships of—			
Clarence	..	265/69	July 12/69
amended	..	332/69	Aug. 30/69
Russell	..	266/69	July 12/69
amended	..	333/69	Aug. 30/69
County of Simcoe, Townships of—			
Medonte	..	63/69	Mar. 8/69
Nottawasaga	..	118/69	April 12/69
County of Victoria, Townships of—			
Emily	..	242/69	June 28/69
Verulam	..	244/69	June 28/69
County of Welland, Township of Bertie (*revoking*)	..	407/69	Nov. 1/69
District of Algoma	..	21/66	Jan. 29/66
District of Cochrane	..	319/65	Dec. 11/65
District of Cochrane, Townships of—			
Casgrain, Hanlan, Kendall and Way	..	291/63	Nov. 9/63
O'Brien, Owens, Teetzel and Williamson	..	185/63	July 13/63
Teefy	..	389/67	Nov. 18/67
District of Kenora	..	281/66	Sept. 24/66
District of Kenora	..	355/68	Oct. 26/68
District of Kenora, Patricia Portion	..	296/69	Aug. 2/69
District of Kenora, Patricia Portion	..	331/69	Aug. 30/69
amended	..	491/69	Dec. 27/69
District of Kenora, Patricia Portion	..	464/69	Dec. 6/69
District of Manitoulin, Townships of—			
Barrie Island	..	508/69	Jan. 10/70
Campbell	..	509/69	Jan. 10/70
Carnarvon	..	510/69	Jan. 10/70
Robinson	..	511/69	Jan. 10/70
Tehkummah	..	512/69	Jan. 10/70
District of Muskoka	..	256/67	July 29/67
District of Muskoka, Townships of—			
Chaffey	..	229/69	June 14/69
Franklin	..	230/69	June 14/69
Sinclair	..	232/69	June 14/69
Stephenson	..	233/69	June 14/69
District of Nipissing, Improvement District of			
Cameron	..	152/69	May 3/69
District of Nipissing Townships of—			
Commanda	..	186/63	July 13/63
Strathy	..	20/68	Feb. 10/68
District of Parry Sound	..	305/64	Nov. 21/64
District of Parry Sound, Townships of—			
Bethune	..	228/69	June 14/69
Blair, Harrison, and Shawanaga	..	364/69	Sept. 13/69
McMurrick (*revoking*)	..	264/69	July 12/69
District of Rainy River	..	50/69	Mar. 1/69
District of Rainy River, Improvement District of			
Kingsford	..	155/69	May 3/69
District of Sudbury	..	380/67	Nov. 11/67
District of Sudbury	..	494/69	Jan. 3/70
District of Sudbury, Improvement District of			
Renabie	..	154/69	May 3/69
District of Sudbury, Townships of—			
Bowell, Lumsden and Wisner	..	294/68	Aug. 31/68
Dryden	..	412/69	Nov. 8/69

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Planning Act—*Continued*			
Restricted Areas—*Continued*			
District of Thunder Bay	...	228/68	July 13/68
District of Thunder Bay, Improvement Districts of Beardmore, Manitouwadge, Nakina, Marathon and Red Rock	...	156/69	May 3/69
District of Thunder Bay, Township of Booth	...	45/65	Feb. 20/65
District of Timiskaming, Improvement District of Kingham	...	153/69	May 3/69
Districts of Cochrane, Sudbury and Timiskaming	...	209/64	Aug. 22/64
District of Nipissing and Timiskaming	...	32/65	Feb. 13/65
amended	...	325/66	Nov. 5/66
Improvement District of Temagami	...	343/68	Oct. 12/68
amended	...	275/69	July 12/69
amended	...	388/69	Oct. 4/69
Kapuskasing	...	251/65	Oct. 16/65
Kenricia	484	.....	.....
Regional Areas of Ottawa-Carleton, Townships of—			
Fitzroy	...	261/69	July 12/69
amended	...	376/69	Sept. 27/69
Marlborough	...	262/69	July 12/69
Teck Township, Englehart Area	...	153/62	June 30/62
amended	...	8/64	Jan. 25/64
Territorial Districts of—			
Nipissing	...	413/69	Nov. 8/69
Parry Sound	...	414/69	Nov. 8/69
White River	...	307/63	Nov. 30/63
Plant Diseases Act			
General	485	.....	.....
amended	...	19/64	Feb. 1/64
Police Act			
General	...	451/69	Nov. 22/69
Responsibility of Policing	487	.....	.....
amended	...	244/62	Oct. 13/62
amended	...	245/62	Oct. 13/62
amended	...	334/63	Dec. 21/63
amended	...	61/64	Mar. 14/64
amended	...	160/65	July 10/65
Power Commission Act			
Conversion to Sixty Cycles	488	.....	.....
Electrical Safety Code	...	441/69	Nov. 15/69
Fees	...	287/67	Aug. 12/67
Pension and Insurance Plan	...	309/67	Sept. 9/67
amended	...	347/67	Oct. 14/67
amended	...	245/68	July 20/68
Rural Power Districts	492	.....	.....
Water Heaters	493	.....	.....
Prearranged Funeral Services Act, 1961-62			
Trust Accounts	...	146/62	June 23/62
amended	...	270/62	Oct. 27/62
amended	...	150/67	May 6/67
amended	...	450/69	Nov. 22/69
Private Hospitals Act			
General	494	.....	.....
amended	...	159/62	July 7/62
Private Investigators and Security Guards Act, 1965			
General	...	331/65	Dec. 25/65
amended	...	195/66	July 16/66

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Professional Engineers Act			
General		449/69	Nov. 22/69
Provincial Courts Act, 1968			
Remuneration of Judges		412/69	Nov. 8/69
Provincial Land Tax Act, 1961-62			
General		343/62	Jan. 5/63
amended		238/63	Sept. 7/63
amended		162/64	July 11/64
amended		339/64	Jan. 9/65
amended		199/67	June 3/67
Provincial Parks Act			
Designation of Parks	498		
amended		78/63	April 6/63
amended		117/63	June 1/63
amended		151/63	June 29/63
amended		206/63	Aug. 10/63
amended		64/64	Mar. 14/64
amended		110/64	May 23/64
amended		161/64	July 11/64
amended		183/64	July 25/64
amended		205/64	Aug. 15/64
amended		179/65	July 31/65
amended		346/65	Jan. 8/66
amended		345/66	Nov. 26/66
amended		388/66	Dec. 31/66
amended		245/67	July 22/67
amended		358/67	Oct. 21/67
amended		26/68	Feb. 17/68
amended		320/68	Sept. 14/68
amended		362/68	Oct. 26/68
amended		86/69	Mar. 29/69
amended		245/69	July 5/69
amended		474/69	Dec. 13/69
General	499		
amended		214/61	July 3/61
amended		123/62	June 2/62
amended		71/65	Mar. 27/65
amended		92/65	May 1/65
amended		5/66	Jan. 15/66
amended		175/66	July 2/66
amended		209/67	June 17/67
amended		257/67	July 29/67
amended		115/68	April 13/68
amended		202/68	June 15/68
Guides in Quetico Provincial Park		99/62	May 12/62
Psychologists Registration Act			
General	501		
amended		89/62	April 21/62
amended		2/67	Jan. 14/67
Public Commercial Vehicles Act			
Carrying Goods in Bond	502		
amended		333/62	Dec. 22/62
amended		70/65	Mar. 27/65
amended		146/69	May 3/69
General	503		
amended		215/61	July 8/61
amended		366/61	Dec. 9/61
amended		263/62	Oct. 20/62
amended		331/62	Dec. 22/62
amended		57/63	Mar. 16/63

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Public Commercial Vehicles Act—*Continued*			
General—*Continued*			
amended	...	162/66	June 11/66
amended	...	371/66	Dec. 10/66
amended	...	451/67	Jan. 6/68
amended	...	340/68	Oct. 12/68
amended	...	415/68	Dec. 7/68
Public Health Act			
Camps in Unorganized Territory	504	.....	.....
amended	...	333/65	Dec. 25/65
amended	...	185/67	May 27/67
Capital Grants for Community Health Facilities	...	487/69	Dec. 27/69
Communicable Diseases	505	.....	.....
amended	...	147/62	June 30/62
Community Health Services	...	278/62	Nov. 3/62
Designation of Human Ailments	...	353/65	Jan. 8/66
Food Premises	...	398/67	Nov. 25/67
amended	...	135/68	April 20/68
amended	...	1/69	Jan. 18/69
Frosted-Food Locker Plants	507	.....	.....
Grants	508	.....	.....
amended	...	86/67	Mar. 25/67
amended	...	304/69	Aug. 9/69
Grants to Boards of Health	...	405/67	Dec. 2/67
amended	...	205/69	June 7/69
Health Units			
Areas that may be Included in Health Units	509	.....	.....
amended	...	216/61	July 3/61
amended	...	58/62	Mar. 10/62
amended	...	47/63	Mar. 9/63
amended	...	23/64	Feb. 15/64
amended	...	282/64	Oct. 24/64
amended	...	34/65	Feb. 13/65
amended	...	157/65	July 3/65
amended	...	231/65	Sept. 25/65
amended	...	72/67	Mar. 11/67
amended	...	181/67	May 27/67
amended	...	424/67	Dec. 16/67
amended	...	11/68	Jan. 27/68
amended	...	141/69	April 26/69
General	510	.....	.....
amended	...	305/63	Nov. 30/63
amended	...	262/64	Oct. 17/64
amended	...	235/65	Oct. 2/65
amended	...	74/66	April 2/66
amended	...	88/66	April 16/66
amended	...	179/66	July 2/66
amended	...	188/66	July 9/66
amended	...	274/66	Sept. 17/66
amended	...	69/67	Mar. 4/67
amended	...	119/67	April 15/67
amended	...	184/67	May 27/67
amended	...	205/67	June 10/67
amended	...	252/67	July 29/67
amended	...	387/67	Nov. 18/67
amended	...	406/67	Dec. 2/67
amended	...	99/68	Mar. 30/68
amended	...	109/68	April 6/68
amended	...	155/68	May 11/68
amended	...	198/68	June 15/68
amended	...	224/68	July 6/68
amended	...	234/68	July 20/68
amended	...	235/68	July 20/68

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Public Health Act—*Continued*			
Health Units—*Continued*			
General—*Continued*			
amended		276/68	Aug. 10/68
amended		314/68	Sept. 7/68
amended		409/68	Nov. 30/68
amended		2/69	Jan. 18/69
amended		75/69	Mar. 15/69
amended		131/69	April 19/69
amended		164/69	May 10/69
amended		223/69	June 14/69
amended		350/69	Sept. 6/69
Indigent Patients		283/64	Oct. 24/64
Pasteurization Areas	512		
Pasteurization Plants	513		
amended		218/61	July 3/61
amended		394/66	Jan. 7/67
Plumbing in Unorganized Territory	514		
Qualifications of Medical Officers of Health, Sanitary Inspectors and Public Health Nurses	515		
amended		31/63	Feb. 16/63
Sanitary Code for Unorganized Territory		277/62	Nov. 3/62
amended		118/64	June 13/64
Slaughter-Houses and Meat Processing Plants	516		
Summer Camps	518		
Swimming Pools		142/65	June 19/65
amended		450/67	Jan. 6/68
amended		213/68	June 29/68
amended		358/68	Oct. 26/68
X-Ray Safety		29/69	Feb. 8/69
Public Hospitals Act			
Capital Financial Assistance for Hospital Construction and Renovation		302/66	Oct. 8/66
amended		81/68	Mar. 23/68
amended		303/68	Aug. 31/68
Capital Grants for Ambulance Facilities		335/68	Oct. 5/68
Capital Grants for Regional Rehabilitation Hospitals		283/67	Aug. 12/67
Capital Grants for Teaching Hospitals		213/67	June 24/67
Classification of Hospitals		364/67	Oct. 28/67
amended		6/68	Jan. 20/68
amended		100/68	Mar. 30/68
amended		126/68	April 13/68
amended		174/68	May 25/68
amended		200/68	June 15/68
amended		264/68	Aug. 3/68
amended		421/68	Dec. 21/68
amended		38/69	Feb. 15/69
amended		203/69	June 7/69
amended		295/69	July 26/69
amended		374/69	Sept. 20/69
Grants			
Capital		308/63	Nov. 30/63
amended		203/64	Aug. 15/64
amended		231/64	Sept. 19/64
amended		112/65	May 22/65
amended		56/68	Mar. 16/68
Maintenance	522		
amended		225/63	Aug. 31/63
amended		310/65	Dec. 4/65
Special		128/69	April 19/69
Special		202/69	June 7/69
Special Capital		103/67	April 8/67
Special Capital		129/69	April 19/69

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Public Hospitals Act—*Continued*			
Hospital Management	523	.....	.....
amended	...	102/66	April 23/66
amended	...	282/67	Aug. 12/67
amended	...	263/68	Aug. 3/68
amended	...	304/68	Aug. 31/68
amended	...	190/69	May 24/69
amended	...	440/69	Nov. 15/69
Public Lands Act			
Hunting by Aircraft	...	268/63	Oct. 26/63
Restricted Areas			
District of Algoma	...	138/67	April 22/67
District of Cochrane	...	84/62	April 21/62
District of Cochrane, Townships of—Devitt, Eilber, McCowan, Barker, McCrea and Idington	...	137/67	April 22/67
Fournier, Lamarche, Clute and Hanna	...	347/69	Sept. 6/69
District of Kenora	...	145/63	June 22/63
District of Kenora, Patricia Portion	...	353/66	Nov. 26/66
District of Sudbury	...	275/67	Aug. 12/67
District of Sudbury, Townships of—Cochrane, Chapleau, Gallagher, Panet, Tp. 28 and Tp. 29	...	53/69	Mar. 1/69
Wakami and Tp. 22	...	430/67	Dec. 23/67
District of Thunder Bay	...	90/62	April 28/62
District of Thunder Bay, Townships of Blackwell, Conacher, Forbes, Goldie, Hagey, Haines, Laurie and the Dawson Road Lots	...	200/69	May 31/69
District of Timiskaming	...	85/62	April 21/62
Districts of Cochrane and Timiskaming	...	238/69	June 28/69
Districts of Timiskaming and Nipissing	...	164/68	May 18/68
Part of the District of Cochrane	...	29/64	Feb. 15/64
Sale of Public Lands	524	.....	.....
amended	...	370/61	Dec. 16/61
amended	...	66/62	Mar. 24/62
amended	...	214/63	Aug. 31/63
amended	...	208/66	July 23/66
amended	...	87/69	Mar. 29/69
amended	...	218/69	June 14/69
amended	...	447/69	Nov. 22/69
Public Libraries Act, 1966			
General	...	56/67	Feb. 18/67
amended	...	286/68	Aug. 17/68
amended	...	163/69	May 10/69
Public Service Act, 1961-62			
General	...	190/62	Aug. 11/62
amended	...	15/63	Feb. 9/63
amended	...	176/63	July 13/63
amended	...	252/63	Sept. 28/63
amended	...	260/63	Oct. 19/63
amended	...	323/63	Dec. 7/63
amended	...	346/63	Jan. 4/64
amended	...	15/64	Feb. 1/64
amended	...	52/64	Mar. 14/64
amended	...	167/64	July 11/64
amended	...	207/64	Aug. 22/64
amended	...	244/64	Oct. 3/64
amended	...	308/64	Nov. 28/64
amended	...	93/65	May 1/65

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Public Service Act, 1961-62—*Continued*			
General—*Continued*			
amended		247/65	Oct. 9/65
amended		302/65	Nov. 20/65
amended		2/66	Jan. 15/66
amended		3/66	Jan. 15/66
amended		14/66	Jan. 29/66
amended		75/66	April 2/66
amended		121/66	May 7/66
amended		192/66	July 16/66
amended		258/66	Sept. 3/66
amended		270/66	Sept. 17/66
amended		356/66	Dec. 3/66
amended		281/67	Aug. 12/67
amended		388/67	Nov. 18/67
amended		457/67	Jan. 6/68
amended		74/68	Mar. 16/68
amended		75/68	Mar. 16/68
amended		331/68	Oct. 5/68
amended		332/68	Oct. 5/68
amended		402/68	Nov. 23/68
amended		225/69	June 14/69
amended		272/69	July 12/69
amended		282/69	July 26/69
amended		324/69	Aug. 23/69
amended		403/69	Oct. 25/69
amended		436/69	Nov. 15/69
Joint Council		172/66	June 25/66
Joint Council		286/66	Sept. 24/66
Joint Council		155/67	May 6/67
Joint Council		342/67	Oct. 14/67
Joint Council		293/69	July 26/69
Joint Council		389/69	Oct. 11/69
Overtime—Ontario Provincial Police		283/69	July 26/69
Stand-by, Ontario Provincial Police Force		352/69	Sept. 13/69
The Ontario Provincial Police Negotiating and Arbitration Committees		226/69	June 14/69
Vacations—Ontario Provincial Police		281/69	July 26/69
Public Service Superannuation Act			
General	528		
amended		154/63	June 29/63
amended		69/65	Mar. 27/65
amended		294/66	Oct. 1/66
Public Trustee Act			
General	529		
amended		223/61	July 3/61
amended		59/65	Mar. 20/65
amended		223/66	July 30/66
amended		248/68	July 20/68
Public Vehicles Act			
General	530		
amended		224/61	July 3/61
amended		261/62	Oct. 20/62
amended		332/62	Dec. 22/62
amended		105/64	May 23/64
amended		141/64	June 27/64
Public Works Creditors Payment Act, 1962-63			
Notice of Claim		252/64	Oct. 10/64
Time for Notice of Claim		240/67	July 15/67

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R			
Race Tracks Tax Act			
Rate of Tax	531	.....	.....
Radiological Technicians Act, 1962-63			
General	...	185/64	Aug. 1/64
amended	...	423/67	Dec. 16/67
amended	...	423/68	Dec. 21/68
Railway Fire Charge Act			
Charges for Fire Protection	532	.....	.....
amended	...	411/68	Dec. 7/68
Real Estate and Business Brokers Act			
Registration	533	.....	.....
amended	...	169/63	July 6/63
amended	...	312/64	Dec. 5/64
amended	...	283/66	Sept. 24/66
amended	...	379/66	Dec. 31/66
Sales Record Sheet	534	.....	.....
Reciprocal Enforcement of Judgments Act			
Application of Act	535	.....	.....
amended	...	225/61	July 3/61
Reciprocal Enforcement of Maintenance Orders Act			
Reciprocating States	536	.....	.....
amended	...	247/68	July 20/68
Regional Detention Centres Act, 1965			
General	...	277/67	Aug. 12/67
amended	...	76/68	Mar. 16/68
Regional Municipality of Niagara Act, 1968-69			
Order of the Minister	...	280/69	July 19/69
amended	...	300/69	Aug. 9/69
amended	...	370/69	Sept. 20/69
Order of the Minister	...	353/69	Sept. 13/69
Order of the Minister	...	404/69	Oct. 25/69
Registry Act			
Canada Lands	...	125/67	April 22/67
amended	...	424/69	Nov. 8/69
Corporations Exempted under Section 53 of the Act	...	425/69	Nov. 8/69
Fees	...	49/64	Mar. 7/64
amended	...	159/64	July 4/64
amended	...	71/66	April 2/66
amended	...	317/66	Oct. 29/66
amended	...	347/66	Nov. 26/66
amended	...	50/68	Mar. 9/68
amended	...	201/68	June 15/68
amended	...	188/69	May 24/69
amended	...	431/69	Nov. 8/69
Forms and Records	...	157/64	July 4/64
amended	...	361/66	Dec. 3/66
amended	...	180/68	May 25/68

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Registry Act—*Continued*			
Forms and Records—*Continued*			
amended		426/69	Nov. 8/69
amended		429/69	Nov. 8/69
amended		502/69	Jan. 3/70
Microfilming of Registry Records		158/64	July 4/64
amended		149/65	June 26/65
amended		362/66	Dec. 3/66
amended		439/67	Dec. 23/67
amended		430/69	Nov. 8/69
Registrar's Annual Return (*revoking*)		428/69	Nov. 8/69
Registry Divisions		4/65	Jan. 23/65
amended		105/65	May 15/65
amended		350/65	Jan. 8/66
amended		70/66	April 2/66
amended		112/66	April 30/66
amended		211/66	July 30/66
amended		348/66	Nov. 26/66
amended		357/67	Oct. 21/67
amended		372/67	Nov. 4/67
amended		381/68	Nov. 2/68
amended		423/69	Nov. 8/69
Surveys, Plans and Descriptions of Land		139/67	April 22/67
amended		243/67	July 15/67
amended		179/68	May 25/68
Terms of Employment (*revoking*)		427/69	Nov. 8/69
Regulations Act			
General	539		
Residential Property Tax Reduction Act, 1968			
Reduction in Rent to Tenants		219/68	July 6/68
Retail Sales Tax Act, 1960-61			
Definitions by Minister		231/66	Aug. 6/66
amended		338/67	Oct. 7/67
amended		207/69	June 7/69
General		232/61	July 8/61
amended		54/62	Mar. 10/62
amended		304/62	Dec. 1/62
amended		320/62	Dec. 15/62
amended		59/63	Mar. 23/63
amended		243/63	Sept. 14/63
amended		230/66	Aug. 6/66
amended		93/67	Mar. 25/67
amended		124/67	April 15/67
amended		327/67	Sept. 23/67
amended		113/69	April 12/69
amended		206/69	June 7/69
amended		467/69	Dec. 6/69
Rural Power District Service Charge Act (R.S.O. 1950, c. 344)			
Service Charges	541		
S			
St. Clair Parkway Commission Act, 1966			
General		117/69	April 12/69
amended		270/69	July 12/69
St. Lawrence Parks Commission Act			
Parks		163/68	May 18/68

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Sanatoria for Consumptives Act			
General	542	.....	.....
amended	...	208/62	Sept. 1/62
amended	...	142/63	June 15/63
amended	...	271/63	Oct. 26/63
amended	...	119/64	June 13/64
amended	...	237/64	Sept. 26/64
amended	...	133/66	May 14/66
amended	...	180/66	July 2/66
amended	...	18/67	Jan. 28/67
amended	...	132/67	April 22/67
amended	...	66/68	May 9/68
Tuberculosis Control Clinics	...	188/62	Aug. 4/62
amended	...	19/67	Jan. 28/67
Secondary Schools and Boards of Education Act			
Designation of School Divisions in Territorial Districts	...	283/68	Aug. 17/68
amended	...	334/68	Oct. 5/68
amended	...	320/69	Aug. 23/69
Securities Act, 1966			
General	...	101/67	April 1/67
amended	...	55/68	Mar. 16/68
amended	...	223/68	July 6/68
amended	...	395/68	Nov. 16/68
amended	...	162/69	May 10/69
Security Transfer Tax Act			
General	544	.....	.....
amended	...	313/66	Oct. 22/66
amended	...	33/67	Feb. 11/67
Seed Potatoes Act			
General	545	.....	.....
Separate Schools Act			
County Combined Separate School Zones	...	287/68	Aug. 17/68
District Combined Separate School Zones	...	333/68	Oct. 5/68
amended	...	388/68	Nov. 9/68
Silicosis Act			
General	546	.....	.....
Stock Yards Act			
Management	548	.....	.....
Succession Duty Act			
General	549	.....	.....
amended	...	397/69	Oct. 18/69
Summary Convictions Act			
Traffic Ticket	550	.....	.....
amended	...	124/69	April 12/69
Surrogate Courts Act			
Rules of Practice	551	.....	.....
amended	...	206/66	July 23/66
amended	...	259/68	Aug. 3/68
Surveys Act			
Monuments	...	266/61	Aug. 5/61
amended	...	188/63	July 20/63
amended	...	42/69	Feb. 22/69
Survey Methods	552	.....	.....
The Ontario Co-ordinate System	...	301/69	Aug. 9/69

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T			
Teachers' Superannuation Act			
General	553		
amended		229/61	July 3/61
amended		276/61	Aug. 19/61
amended		298/61	Sept. 23/61
amended		8/62	Jan. 20/62
amended		236/62	Oct. 6/62
amended		316/62	Dec. 15/62
amended		106/63	May 11/63
amended		173/63	July 13/63
amended		281/63	Nov. 2/63
amended		70/64	April 11/64
amended		131/64	June 20/64
amended		132/64	June 20/64
amended		240/64	Sept. 26/64
amended		30/65	Feb. 6/65
amended		91/65	May 1/65
amended		123/65	May 29/65
amended		241/65	Oct. 2/65
amended		269/66	Sept. 10/66
amended		385/66	Dec. 31/66
amended		32/67	Feb. 11/67
amended		179/67	May 27/67
amended		317/67	Sept. 16/67
amended		311/68	Sept. 7/68
amended		312/68	Sept. 7/68
amended		460/69	Dec. 6/69
Theatres Act			
General	554		
amended		140/63	June 15/63
amended		259/65	Oct. 23/65
amended		291/68	Aug. 24/68
amended		30/69	Feb. 8/69
Tobacco Tax Act, 1965			
General		318/65	Dec. 11/65
amended		162/68	May 18/68
Toll Bridges Act			
General		282/63	Nov. 2/63
amended		239/64	Sept. 26/64
Trade Schools Regulation Act			
General		160/69	May 10/69
amended		457/69	Dec. 6/69
Training Schools Act and Training Schools Act, 1965			
Liability of Municipalities and Grants	558		
amended		18/65	Jan. 30/65
amended		236/67	July 15/67
Trench Excavators' Protection Act			
General	559		
U			
Used Car Dealers Act, 1964			
General		3/65	Jan. 23/65
amended		222/66	July 30/66
amended		380/66	Dec. 31/66

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
Upholstered and Stuffed Articles Act, 1968			
General	...	301/68	Aug. 31/68
amended	...	383/69	Oct. 4/69
V			
Venereal Diseases Prevention Act			
General	560	.....	.....
Vital Statistics Act			
General	562	.....	.....
amended	...	233/61	July 15/61
amended	...	337/61	Oct. 28/61
amended	...	185/62	Aug. 4/62
amended	...	186/62	Aug. 4/62
amended	...	128/63	June 8/63
amended	...	209/63	Aug. 17/63
amended	...	324/63	Dec. 14/63
amended	...	4/64	Jan. 25/64
amended	...	312/65	Dec. 4/65
amended	...	359/67	Oct. 28/67
amended	...	431/68	Dec. 28/68
Vocational Rehabilitation Services Act, 1966			
General	...	64/68	Mar. 16/68
amended	...	122/69	April 12/69
amended	...	356/69	Sept. 16/69
amended	...	505/69	Jan. 3/70
Voters' Lists Act			
General	563	.....	.....
amended	...	203/63	Aug. 3/63
amended	...	269/67	Aug. 5/67
W			
Warble Fly Control Act			
General	564	.....	.....
amended	...	60/65	Mar. 20/65
amended	...	46/67	Feb. 18/67
Weed Control Act			
General	565	.....	.....
amended	...	170/63	July 6/63
amended	...	112/64	May 30/64
amended	...	288/64	Oct. 31/64
amended	...	61/65	Mar. 20/65
amended	...	185/65	July 31/65
amended	...	3/68	Jan. 13/68
amended	...	60/69	Mar. 8/69
amended	...	290/69	July 26/69
Welfare Units Act			
General	566	.....	.....
Wilderness Areas Act			
Wilderness Areas	567	.....	.....
amended	...	268/61	Aug. 5/61
amended	...	35/62	Feb. 17/62
amended	...	89/64	May 2/64
amended	...	229/64	Sept. 12/64
amended	...	259/64	Oct. 17/64
amended	...	178/65	July 31/65
amended	...	30/66	Feb. 12/66
amended	...	361/68	Oct. 26/68

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	R.R.O. 1960	O. Reg.	
Wild Rice Harvesting Act			
General	568		
Wolf and Bear Bounty Act			
Bounties	569		
amended		265/61	Aug. 5/61
amended		250/68	July 20/68
Wolves or Bears in Captivity	570		
Woodlands Improvement Act, 1966			
General		244/66	Aug. 13/66
amended		395/67	Nov. 25/67
amended		383/68	Nov. 2/68
amended		44/69	Feb. 22/69
Workmen's Compensation Act			
First-Aid Requirements		329/69	Aug. 30/69
General	571		
amended		230/61	July 3/61
amended		379/61	Dec. 23/61
amended		328/62	Dec. 22/62
amended		45/63	Mar. 9/63
amended		347/63	Jan. 4/64
amended		16/65	Jan. 30/65
amended		176/65	July 24/65
amended		219/65	Sept. 18/65
amended		299/65	Nov. 20/65
amended		335/65	Dec. 25/65
amended		340/65	Jan. 1/66
amended		6/67	Jan. 21/67
amended		448/67	Dec. 30/67
amended		404/68	Nov. 23/68
amended		328/69	Aug. 30/69
amended		330/69	Aug. 30/69
Pension Plan		115/66	April 30/66
amended		78/67	Mar. 11/67

PART II

Showing the Regulations contained in Revised Regulations of Ontario, 1960 and subsequent Regulations filed to the 31st day of December, 1969, that have been revoked, are revoking only or have expired.

R.R.O. 1960 Regulations	Disposition
3	See S.O. 1961-62, c. 42, s. 20
7	See S.O. 1965, c. 2, s. 18
8	Rev. 310/68
9	Rev. 345/69
10	Rev. 158/63
11	Rev. 268/64
12	Rev. 264/64
13	Rev. 264/64
14	Rev. 277/64
15	Rev. 270/64
16	Rev. 270/64
17	Rev. 279/64
18	Rev. 272/64
19	Rev. 272/64
20	Rev. 273/64
21	Rev. 278/64
22	Rev. 278/64
23	Rev. 274/64
24	Rev. 274/64
25	Rev. 276/64
26	Rev. 276/64
30	Rev. 26/64
31	Rev. 104/67
33	Rev. 26/67
34	See S.O. 1960-61, c. 5, s. 17
40	Rev. 111/62
41	Rev. 329/65
43	Rev. 338/65
44	Rev. 339/65
46	Rev. 133/61
49	Rev. 297/64
50	Rev. 271/65
64	Rev. 384/61
66	Rev. 221/66
70	Rev. 297/67
72	Rev. 283/63
74	Rev. 332/65
75	Rev. 63/66
79	Rev. 258/61
80	Rev. 123/64
81	Rev. 340/66
83	Rev. 143/61
84	Rev. 142/61
85	Rev. 416/67
86	Rev. 175/64
87	Rev. 395/69
89	Rev. 20/66
90	Rev. 28/63
92	Rev. 19/66
93	Rev. 313/68
94	Rev. 387/69
95	Rev. 280/63
97	Rev. 142/61
98	Rev. 341/66
100	Rev. 396/69
102	Rev. 199/65
106	Rev. 137/62
109	Rev. 100/63
111	Rev. 260/65
113	Rev. 293/61
124	Rev. 377/61
128	Rev. 4/66
131	Rev. 156/61
132	Rev. 334/64
134	Rev. 196/64
135	See S.O. 1961-62, c. 93, s. 19
136	See S.O. 1961-62, c. 93, s. 19
144	Rev. 483/69
145	Rev. 232/66
149	Rev. 229/68
150	Rev. 50/66
153	Rev. 97/67
156	Rev. 110/66
157	Rev. 174/66
164	Rev. 98/67
180	See S.O. 1961-62, c. 93, s. 19
181	See S.O. 1964, c. 32, s. 1
184	Rev. 119/69
186	Rev. 319/63
187	Rev. 152/63
188	Rev. 22/65
189	Rev. 46/65
190	Rev. 343/64
191	Rev. 152/63
192	Rev. 347/61
193	Rev. 94/64
194	Rev. 322/61
195	Rev. 264/61
196	Rev. 234/61
197	Rev. 237/61
198	Rev. 243/61
199	Rev. 15/68
200	Rev. 16/68
201	Rev. 247/63
203	Rev. 226/63
204	Rev. 82/64
205	Rev. 276/66
207	Rev. 239/67
210	Rev. 301/61
211	Rev. 180/63
220	Rev. 118/65
221	Rev. 129/62
225	Exp.
228	Exp.
235	Rev. 156/62
238	Rev. 1/67
240	Rev. 114/69
241	Rev. 169/66
247	Rev. 199/64
248	Rev. 417/68

R.R.O. 1960 Regulations	Disposition
249	Rev. 434/67
250	Rev. 428/67
251	Rev. 326/67
255	Rev. 42/68
257	Rev. 193/62
261	Rev. 284/68
262	Rev. 142/67
263	Rev. 188/61
264	Rev. 47/62
269	Rev. 226/64
272	Rev. 61/63
274	Rev. 27/67
275	Rev. 310/62
278	Rev. 18/63
280	Rev. 189/61
281	Rev. 193/61
284	Rev. 190/61
285	Rev. 136/65
286	Rev. 366/67
287	Rev. 403/67
288	Rev. 10/63
289	Rev. 341/62
290	Rev. 191/61
291	Rev. 60/67
292	Rev. 367/67
293	Rev. 192/61
295	Rev. 41/68
296	Rev. 339/61
297	Rev. 444/67
298	Rev. 411/67
300	Rev. 116/65
301	Rev. 48/62
302	Rev. 412/67
303	Rev. 19/68
304	Rev. 426/67
306	Rev. 134/65
308	Rev. 40/68
311	Rev. 364/61
312	Rev. 226/64
313	Rev. 212/69
317	Rev. 115/65
329	Rev. 62/62
333	Rev. 137/65
334	Rev. 220/64
339	Rev. 194/61
342	Rev. 255/61
344	Rev. 195/61
347	Rev. 220/64
350	Rev. 183/65
353	Rev. 204/64
359	Rev. 169/62
361	Rev. 309/61
365	Rev. 443/67
371	Rev. 135/65
373	Rev. 199/61
374	Rev. 182/65
375	Rev. 142/69
380	Rev. 49/62
381	Rev. 200/61
383	Rev. 315/65
384	Rev. 220/64
385	Rev. 220/64
386	Rev. 220/64
387	Rev. 220/64
389	Rev. 23/66
397	Rev. 220/66
401	Rev. 264/66
402	Rev. 77/63
405	Rev. 35/66
407	Rev. 187/65
416	Rev. 190/68
417	Rev. 192/68
418	Rev. 192/68
419	Rev. 192/68
421	See S.O. 1965, c. 72, s. 27
422	Rev. 44/66
423	Rev. 129/67
424	See S.O. 1965, c. 72, s. 27
425	Rev. 303/65
429	See S.O. 1965, c. 72, s. 27
430	Rev. 107/66
431	Rev. 107/67
435	Rev. 343/61
436	Rev. 283/61
437	Rev. 7/65
439	Rev. 313/64
443	Rev. 311/69
448	Rev. 21/63
450	Rev. 153/67
452	Rev. 486/69
453	Rev. 288/63
454	Rev. 211/63
455	Rev. 211/63
456	Rev. 205/66
460	Rev. 324/64
462	Rev. 99/65
467	Rev. 99/63
469	Rev. 163/68
472	Rev. 212/61
473	Rev. 196/69
474	Rev. 166/63
476	Rev. 251/62
477	Rev. 345/69
479	Rev. 5/64
483	Exp.
486	Rev. 110/69
489	Rev. 306/64
490	Rev. 304/63
491	Rev. 309/67
495	Rev. 331/65
496	Rev. 449/69
497	Rev. 343/62
500	See S.O. 1967, c. 78, s. 1
506	Rev. 398/67
511	Rev. 258/63
517	Rev. 300/66
519	Rev. 142/65
520	Rev. 110/63
521	Rev. 308/63
525	Rev. 220/61
526	Rev. 190/62
527	Rev. 222/61
537	Rev. 345/69
538	Rev. 111/64
540	Rev. 26/65
543	See S.O. 1966, c. 142 s. 147 (1)
547	See S.O. 1966, c. 145, s. 1
555	Rev. 282/63
556	Rev. 200/65
557	Rev. 160/69
561	See S.O. 1961-62, c. 42, s. 20
572	Rev. 115/66

Ontario Regulations	Disposition
1/61 to 129A/61	Rev. S.O. 1959, c. 90, s. 5 (2)
130/61	Rev. 104/67
134/61	Rev. 297/64
136/61	Rev. 253/64
137/61	Rev. 339/62
138/61	Rev. 429/67
139/61	Rev. 322/64
140/61	Rev. 327/63
141/61	Rev. 297/67
143/61	Rev. 37/62
144/61	Rev. 416/67
147/61	Rev. 199/65
149/61	Rev. 260/65
155/61	Rev. 41/65
156/61	Rev. 325/64
157/61	Rev. 334/64
158/61	See S.O. 1961-62, c. 93, s. 19
162/61	Rev. 229/68
165/61	Rev. 349/61
169/61	Rev. 318/68
170/61	Revkg.
171/61	Rev. 82/64
172/61	Rev. 239/67
174/61	Rev. 301/61
179/61	Rev. 41/62
186/61	Rev. 1/67
192/61	Rev. 398/68
202/61	Rev. 265/66
206/61	Rev. 190/68
207/61	Rev. 387/61
210/61	Rev. 21/63
211/61	Rev. 163/68
212/61	Rev. 46/69
213/61	Rev. 309/67
217/61	Rev. 305/63
219/61	Rev. 110/63
220/61	Rev. 14/65
221/61	Rev. 190/62
222/61	Rev. 190/62
226/61	See S.O. 1961-62, c. 124, s. 1
227/61	Rev. 9/62
228/61	See S.O. 1966, c. 142, s. 147 (1)
234/61	Rev. 133/62
235/61	Exp.
236/61	Exp.
237/61	Rev. 176/62
238/61	Rev. 289/63
239/61	See S.O. 1966, c. 142, s. 147 (1)
242/61	Rev. 133/62
243/61	Rev. 133/62
245/61	Rev. 149/62
246/61	Rev. 211/63
247/61	Rev. 190/62
248/61	Rev. 104/67
249/61	Rev. 37/62
250/61	Rev. 190/62
251/61	Rev. 190/62
253/61	Rev. 211/63
255/61	Rev. 265/64
256/61	Rev. 110/63
257/61	Rev. 115/68
258/61	Rev. 305/62
262/61	Rev. 176/62
264/61	Rev. 229/63
267/61	Rev. 247/63
269/61	Rev. 305/63
270/61	Rev. 187/65
271/61	Rev. 133/62
274/61	Rev. 235/65
275/61	Rev. 1/67
278/61	Rev. 266/62
279/61	Exp.
280/61	Rev. 133/62
281/61	Rev. 355/61
282/61	Rev. 301/61
283/61	Revkg.
286/61	Revkg.
287/61	Rev. 190/62
288/61	Rev. 190/62
289/61	Rev. 190/62
290/61	See S.O. 1965, c. 72, s. 27
292/61	Rev. 119/62
293/61	Rev. 81/69
294/61	Rev. 39/64
295/61	See S.O. 1965, c. 72, s. 27
296/61	Rev. 76/67
299/61	Exp.
300/61	Rev. 133/62
301/61	Rev. 359/66
302/61	Exp.
305/61	Rev. 22/65
306/61	Rev. 229/63
308/61	Rev. 190/62
309/61	Rev. 29/66
310/61	Rev. 224/67
311/61	Rev. 305/63
312/61	Revkg.
314/61	Rev. 59/65
317/61	Rev. 26/67
319/61	Rev. 325/64
320/61	Rev. 254/62
321/61	Rev. 259/62
322/61	Rev. 286/63
324/61	Rev. 2/63
326/61	Rev. 68/62
327/61	Rev. 47/63
331/61	Rev. 104/67
333/61	Rev. 141/66
334/61	Rev. 218/62
341/61	See S.O. 1966, c. 142, s. 147 (1)
343/61	Rev. 125/64
344/61	Rev. 276/63
345/61	Rev. 226/63
347/61	Revkg.
351/61	Exp.
352/61	Rev. 284/63
355/61	Rev. 229/63
362/61	Rev. 239/67
365/61	Rev. 141/66
367/61	Rev. 339/65
368/61	Rev. 264/66
372/61	Rev. 25/65
375/61	Rev. 311/64
376/61	Rev. 248/65
378/61	Rev. 283/63
381/61	Exp.
382/61	Rev. 333/62
383/61	Rev. 117/62
385/61	Rev. 156/62

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387/61	Rev. 191/68
388/61	Exp.
4/62	Rev. 182/64
5/62	Rev. 190/62
6/62	Rev. 196/64
7/62	Rev. 110/63
9/62	See S.O. 1964, c. 103, s. 1.
10/62	Rev. 416/67
11/67	Exp.
16/62	Rev. 309/67
18/62	Rev. 206/68
19/62	Rev. 226/63
20/62	Rev. 82/64
24/62	Rev. 325/64
25/62	Rev. 22/65
26/62	Rev. 1/67
30/62	Rev. 13/63
31/62	Rev. 61/64
32/62	Rev. 5/65
33/62	Rev. 160/69
34/62	Rev. 416/67
36/62	Rev. 247/63
37/62	Rev. 32/63
40/62	Rev. 194/64
43/62	Rev. 176/62
47/62	Rev. 425/67
48/62	Rev. 309/66
49/62	Rev. 224/64
50/62	Rev. 104/67
51/62	Rev. 182/64
53/62	Rev. 260/65
55/62	Rev. 81/69
56/62	Rev. 300/66
57/62	Rev. 305/63
59/62	See S.O. 1965, c. 72, s. 27
60/62	See S.O. 1966, c. 142, s. 147 (1)
61/62	Rev. 297/64
62/62	Rev. 170/65
63/62	Rev. 104/67
67/62	Rev. 19/66
68/62	Rev. 190/68
69/62	Rev. 47/69
71/62	Rev. 300/66
72/62	Rev. 196/64
73/62	Rev. 309/64
75/62	Rev. 218/69
76/62	Rev. 151/64
78/62	Rev. 239/67
79/62	Rev. 26/65
81/62	Rev. 401/68
83/62	Rev. 325/64
87/62	Rev. 82/64
91/62	Rev. 13/63
92/62	Exp.
93/62	Rev. 1/67
94/62	Rev. 110/63
95/62	Rev. 313/62
96/62	Rev. 294/62
100/62	Rev. 359/66
101/62	Rev. 305/63
102/62	Rev. 211/63
104/62	Exp.
105/62	Rev. 127/63
109/62	Rev. 94/67
110/62	Rev. 116/63
113/62	Rev. 110/63
114/62	Rev. 230/66
120/62	Rev. 339/65
121/62	Rev. 190/68
126/62	Rev. 328/69
127/62	Rev. 107/63
131/62	Rev. 82/64
132/62	Rev. 229/63
133/62	Rev. 189/63
134/62	Rev. 189/63
135/62	See S.O. 1967, c. 78, s. 1
136/62	Rev. 341/66
138/62	Rev. 199/65
139/62	Rev. 160/69
142/62	Rev. 132/64
144/62	Rev. 1/67
148/62	Rev. 190/68
150/62	Rev. 37/68
152/62	Rev. 297/67
154/62	Rev. 187/65
156/62	Revkg.
160/62	Rev. 190/62
161/62	Exp.
163/62	Exp.
165/62	Rev. 189/63
166/62	Rev. 128/65
170/62	Rev. 269/69
171/62	Rev. 247/64
173/62	Rev. 170/63
175/62	Rev. 239/67
176/62	Rev. 249/63
177/62	Rev. 113/69
182/62	Rev. 274/64
187/62	Rev. 222/67
191/62	Rev. 160/65
193/62	Rev. 51/67
194/62	Rev. 264/66
198/62	Rev. 339/65
199/62	Rev. 1/67
200/62	Rev. 304/63
201/62	Rev. 260/65
202/62	Rev. 265/66
204/62	Rev. 22/65
206/62	Rev. 93/67
207/62	Rev. 192/68
210/62	Rev. 199/65
211/62	Rev. 102/66
212/62	Rev. 309/67
214/62	Rev. 236/63
215/62	Rev. 240/63
216/62	Rev. 348/69
218/62	Revkg.
219/62	Rev. 229/68
220/62	Rev. 326/64
221/62	Rev. 325/64
222/62	Rev. 162/63
223/62	Rev. 110/63
224/62	Rev. 1/67
228/62	Rev. 366/67
229/62	Rev. 184/65
230/62	Rev. 246/64
233/62	Rev. 189/63
234/62	Exp.
235/62	Rev. 189/63
237/62	Rev. 276/66
238/62	Rev. 230/66
239/62	Rev. 230/66

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241/62	Rev. 341/69
242/62	Rev. 249/63
243/62	Rev. 41/63
246/62	Rev. 271/65
248/62	Rev. 97/68
250/62	Rev. 18/65
251/62	Rev. 368/69
252/62	Rev. 345/69
253/62	Rev. 153/67
254/62	Rev. 211/65
255/62	Rev. 163/67
256/62	Rev. 286/63
257/62	Rev. 22/65
258/62	Rev. 162/63
259/62	Rev. 285/63
260/62	Rev. 280/63
264/62	Rev. 107/69
267/62	Rev. 72/68
268/62	Rev. 305/63
269/62	Rev. 258/63
272/62	Rev. 189/63
274/62	Rev. 322/62
275/62	Rev. 359/66
279/62	Rev. 305/63
280/62	Rev. 4/67
283/62	Rev. 130/66
285/62	Rev. 284/63
288/62	Rev. 338/65
289/62	Rev. 27/63
290/62	Rev. 110/63
291/62	Rev. 38/65
292/62	Rev. 189/63
295/62	Rev. 249/63
297/62	Rev. 1/67
299/62	Exp.
300/62	Rev. 82/64
305/62	Rev. 302/64
309/62	Rev. 305/63
315/62	Rev. 110/63
319/62	Rev. 110/69
321/62	Rev. 190/68
326/62	Rev. 359/66
327/62	Rev. 297/64
334/62	Rev. 311/63
336/62	Rev. 342/65
338/62	Rev. 399/68
340/62	Rev. 323/64
2/63	Rev. 305/63
3/63	Rev. 104/67
4/63	Rev. 359/66
8/63	Rev. 350/63
9/63	Revkg.
11/63	Rev. 104/67
13/63	Rev. 11/64
17/63	Rev. 378/66
19/63	Rev. 110/63
20/63	Rev. 1/67
24/63	Rev. 326/64
26/63	Rev. 305/63
27/63	Rev. 125/64
29/63	Rev. 340/66
32/63	Rev. 16/64
35/63	Rev. 254/65
36/63	Rev. 305/63
37/63	Rev. 190/68
38/63	Rev. 187/65
39/63	Rev. 289/63
40/63	Rev. 11/64
42/63	Rev. 121/64
44/63	Rev. 290/68
46/63	Rev. 339/65
48/63	Rev. 25/65
50/63	Rev. 76/67
51/63	Rev. 107/67
52/63	Rev. 416/67
55/63	Rev. 1/67
56/63	Rev. 110/63
58/63	Rev. 149/64
61/63	Rev. 221/65
64/63	Rev. 260/65
65/63	Revkg.
66/63	Rev. 46/65
68/63	Rev. 305/63
74/63	Rev. 244/64
79/63	Rev. 199/65
82/63	Rev. 46/65
83/63	Rev. 71/65
84/63	Rev. 24/65
85/63	Exp.
86/63	Rev. 190/68
87/63	Rev. 230/66
88/63	Rev. 182/64
92/63	Rev. 191/68
93/63	Rev. 190/68
94/63	Rev. 306/63
97/63	Exp.
98/63	Exp.
101/63	Rev. 305/63
104/63	Rev. 119/69
105/63	Rev. 1/67
110/63	Rev. 364/67
115/63	Rev. 185/67
125/63	Rev. 53/64
126/63	Rev. 226/63
127/63	Rev. 82/64
129/63	Rev. 5/64
130/63	Rev. 87/68
131/63	Rev. 26/65
133/63	Rev. 6/65
134/63	Rev. 38/66
135/63	Rev. 6/65
136/63	Rev. 7/65
137/63	Revkg.
138/63	Rev. 152/64
141/63	Rev. 184/64
143/63	Exp.
144/63	Rev. 239/67
146/63	Rev. 182/64
147/63	Rev. 107/66
149/63	Rev. 329/65
152/63	Revkg.
153/63	Rev. 127/67
155/63	Rev. 179/67
156/63	Rev. 1/67
157/63	Rev. 267/64
158/63	Revkg.
159/63	Rev. 267/64
160/63	Rev. 272/64
162/63	Revkg.
163/63	Rev. 316/66
164/63	Rev. 13/65
165/63	Rev. 16/64
167/63	Rev. 486/69

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171/63	Rev. 359/66
177/63	Rev. 172/66
180/63	Revkg.
181/63	Rev. 316/64
183/63	Rev. 307/68
187/63	Rev. 182/64
189/63	Rev. 139/65
191/63	Rev. 190/68
192/63	Rev. 1/67
193/63	Rev. 364/67
195/63	Rev. 177/64
196/63	See S.O. 1966, c. 142, s. 147 (1)
199/63	Exp.
202/63	Rev. 28/66
205/63	Rev. 81/69
210/63	Rev. 235/64
213/63	Rev. 1/67
217/63	Rev. 174/66
218/63	Rev. 50/66
224/63	Rev. 308/63
226/63	Rev. 208/67
230/63	Rev. 190/68
235/63	Rev. 417/67
237/63	Rev. 229/68
238/63	Rev. 110/66
244/63	Rev. 279/64
246/63	Rev. 139/65
249/63	Revkg.
251/63	Rev. 89/64
254/63	Rev. 35/66
255/63	Rev. 152/64
258/63	Rev. 283/64
261/63	See S.O. 1965, c. 72, s. 27
262/63	Rev. 264/66
266/63	Rev. 127/67
267/63	Rev. 177/64
269/63	Rev. 247/65
272/63	Rev. 1/67
273/63	Rev. 177/64
275/63	Rev. 329/65
276/63	Rev. 99/65
277/63	Rev. 62/68
278/63	Rev. 297/64
280/63	Rev. 278/66
285/63	Rev. 277/68
286/63	Rev. 277/68
287/63	Rev. 110/69
289/63	Rev. 111/64
290/63	Exp.
293/63	Exp.
294/63	Rev. 373/66
297/63	Rev. 177/64
298/63	Rev. 139/65
299/63	Rev. 139/65
301/63	Rev. 1/67
302/63	Rev. 364/67
304/63	Rev. 378/66
309/63	Rev. 309/67
310/63	Rev. 274/67
313/63	Rev. 24/65
314/63	Rev. 260/65
316/63	Exp.
317/63	Rev. 301/64
318/63	Rev. 22/64
326/63	Rev. 14/65
328/63	Rev. 428/69
332/63	Rev. 197/64
335/63	Rev. 78/68
343/63	Rev. 76/67
344/63	Rev. 152/64
348/63	Rev. 196/69
349/63	Rev. 325/64
350/63	Rev. 334/64
5/64	Rev. 445/67
6/64	Rev. 1/67
9/64	Rev. 309/67
10/64	Rev. 182/64
11/64	Rev. 19/65
12/64	Rev. 329/65
13/64	Rev. 107/67
16/64	Rev. 43/65
17/64	Exp.
21/64	Rev. 297/65
24/64	Rev. 355/67
25/64	See S.O. 1965, c. 72, s. 27
27/64	Rev. 266/64
28/64	Rev. 266/64
30/64	Rev. 1/67
32/64	Rev. 35/66
33/64	Rev. 303/65
34/64	Rev. 301/66
35/64	Rev. 239/67
39/64	Rev. 309/64
42/64	Rev. 107/66
45/64	Rev. 240/67
46/64	Rev. 139/65
50/64	See S.O. 1964, c. 17, s. 1
51/64	Rev. 422/69
54/64	Rev. 94/67
58/64	Rev. 1/67
59/64	Rev. 364/67
62/64	Rev. 175/65
67/64	Rev. 302/64
68/64	Rev. 124/69
71/64	Rev. 1/67
72/64	Rev. 99/68
76/64	Rev. 119/69
77/64	Rev. 1/67
78/64	Exp.
79/64	Exp.
82/64	Rev. 208/67
83/64	Rev. 378/66
86/64	Rev. 320/65
91/64	Rev. 163/68
92/64	Rev. 179/67
93/64	Rev. 208/67
94/64	Rev. 14/68
95/64	Rev. 6/65
96/64	Rev. 6/65
97/64	Rev. 7/65
98/64	Rev. 7/65
99/64	Rev. 38/66
100/64	Rev. 8/65
101/64	Rev. 8/65
102/64	Rev. 38/66
103/64	Rev. 7/65
104/64	Rev. 71/67
107/64	Rev. 208/67
108/64	Rev. 1/67
109/64	Rev. 206/67
111/64	Revkg.
113/64	Rev. 416/67

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115/64	Rev. 163/67
120/64	Rev. 302/66
123/64	Rev. 271/68
124/64	Rev. 213/65
125/64	See S.O. 1965, c. 72, s. 27
126/64	Rev. 38/66
127/64	Rev. 7/65
128/64	Rev. 7/65
129/64	Rev. 200/65
130/64	Rev. 28/66
133/64	Rev. 260/65
134/64	Rev. 359/66
135/64	Rev. 104/69
136/64	Rev. 99/68
137/64	Rev. 1/67
139/64	Rev. 176/64
142/64	Rev. 119/69
143/64	Rev. 7/65
144/64	Rev. 8/65
145/64	Rev. 7/65
146/64	Rev. 6/65
147/64	Rev. 6/65
148/64	Rev. 8/65
149/64	Rev. 61/66
151/64	Rev. 114/69
152/64	Rev. 158/65
153/64	Rev. 153/65
156/64	Rev. 139/67
164/64	Rev. 364/67
165/64	Rev. 1/67
169/64	Rev. 4/67
172/64	Rev. 309/64
174/64	Rev. 208/67
177/64	Rev. 159/65
182/64	Rev. 240/66
184/64	Rev. 409/69
187/64	Rev. 217/65
189/64	Rev. 279/65
190/64	Rev. 359/66
192/64	Rev. 158/65
200/64	Rev. 110/69
201/64	Rev. 188/65
202/64	Rev. 1/67
206/64	Rev. 139/65
211/64	Rev. 278/65
212/64	Rev. 229/68
214/64	Rev. 50/67
217/64	Rev. 397/66
218/64	Rev. 8/65
220/64	Revkg.
221/64	Rev. 88/66
222/64	Rev. 262/64
230/64	Rev. 25/65
232/64	Rev. 239/67
233/64	Rev. 364/67
236/64	Rev. 161/68
241/64	Rev. 303/67
245/64	Rev. 260/65
246/64	Rev. 264/66
247/64	Rev. 102/66
248/64	Rev. 43/65
249/64	Rev. 486/69
250/64	Rev. 274/67
251/64	Rev. 277/68
253/64	Rev. 342/69
254/64	Rev. 366/68
255/64	Rev. 7/65
256/64	Rev. 8/65
257/64	Rev. 9/65
258/64	Rev. 6/65
260/64	Rev. 127/67
263/64	Rev. 276/66
267/64	Rev. 248/69
268/64	Rev. 247/69
269/64	Rev. 375/66
271/64	Rev. 72/66
272/64	Rev. 65/67
273/64	Rev. 66/67
274/64	Rev 94/69
277/64	Revkg.
279/64	Rev. 342/68
280/64	Exp.
281/64	Rev. 277/68
286/64	Rev. 159/65
290/64	Rev. 139/65
291/64	Rev. 217/67
292/64	Rev. 208/67
295/64	Rev. 190/68
298/64	Exp.
300/64	Rev. 297/65
301/64	Rev. 314/65
302/64	Rev. 346/68
303/64	Rev. 1/67
304/64	Rev. 364/67
306/64	Rev. 287/67
307/64	Exp.
313/64	Revkg.
318/64	Rev. 260/65
321/64	Rev. 151/65
326/64	Rev. 420/68
327/64	Rev. 297/65
329/64	Rev. 416/67
330/64	Rev. 417/67
332/64	Exp.
333/64	Rev. 166/66
336/64	Rev. 166/67
337/64	Rev. 270/66
338/64	Rev. 239/67
340/64	Rev. 191/68
341/64	Rev. 276/66
346/64	Rev. 61/66
6/65	Rev. 39/66
7/65	Rev. 39/66
8/65	Rev. 39/66
9/65	Rev. 40/66
14/65	Rev. 56/67
15/65	Rev. 92/66
19/65	Rev. 6/66
21/65	Rev. 208/67
26/65	Rev. 64/68
28/65	Rev. 319/67
33/65	Rev. 309/67
35/65	Rev. 314/68
38/65	Rev. 1/67
39/65	Rev. 364/67
40/65	Rev. 364/67
41/65	Rev. 413/68
42/65	Rev. 187/65
43/65	Rev. 21/66
44/65	Rev. 260/65
49/65	See S.O. 1966, c. 142, s. 147 (1)
50/65	Rev. 163/68

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51/65	Rev. 213/65
52/65	Rev. 190/68
55/65	Rev. 188/65
57/65	Exp.
65/65	Rev. 416/67
67/65	Rev. 1/67
68/65	Rev. 239/65
77/65	Rev. 387/69
78/65	Rev. 199/65
79/65	Rev. 1/67
81/65	Rev. 208/67
82/65	Rev. 208/67
84/65	Rev. 445/67
85/65	Rev. 364/67
86/65	Rev. 1/67
95/65	Rev. 104/67
96/65	Exp.
102/65	Exp.
103/65	Exp.
106/65	Rev. 239/67
107/65	Rev. 260/65
110/65	Rev. 416/67
111/65	Exp.
113/65	Rev. 109/68
114/65	Rev. 260/65
119/65	Rev. 110/66
130/65	Rev. 190/68
138/65	Rev. 364/67
139/65	Rev. 278/68
145/65	Rev. 208/67
146/65	Rev. 208/67
147/65	Rev. 208/67
150/65	Rev. 213/65
151/65	Rev. 188/65
153/65	Rev. 288/66
158/65	Rev. 9/66
159/65	Rev. 253/66
164/65	Rev. 62/68
166/65	Rev. 345/69
167/65	Rev. 1/67
168/65	Rev. 253/65
175/65	Rev. 345/68
177/65	Rev. 208/67
180/65	Rev. 278/68
181/65	Rev. 253/66
188/65	Rev. 103/66
189/65	Rev. 115/68
190/65	Rev. 359/66
194/65	Rev. 208/67
195/65	Rev. 119/69
196/65	Rev. 107/67
197/65	Rev. 364/67
198/65	Rev. 1/67
199/65	Rev. 199/66
200/65	Rev. 331/66
211/65	Rev. 339/68
213/65	Rev. 226/69
217/65	Rev. 1/67
220/65	Rev. 1/67
224/65	Rev. 413/68
230/65	Rev. 40/67
232/65	Rev. 99/68
236/65	Rev. 278/68
237/65	Rev. 318/68
238/65	Rev. 16/68
239/65	Rev. 389/69
240/65	Exp.
252/65	Rev. 72/67
253/65	Rev. 364/67
254/65	Rev. 373/66
260/65	Rev. 75/67
261/65	Rev. 127/67
265/65	Rev. 335/66
266/65	Rev. 278/68
267/65	Rev. 235/68
272/65	Rev. 278/68
277/65	Rev. 263/67
278/65	Revkg.
279/65	Revkg.
282/65	Rev. 44/66
283/65	Rev. 129/67
284/65	Rev. 303/65
288/65	Rev. 107/67
292/65	Rev. 401/68
293/65	Rev. 304/67
295/65	Rev. 68/68
298/65	Rev. 76/67
300/65	Rev. 75/67
301/65	Rev. 190/68
303/65	Revkg.
304/65	Rev. 263/67
305/65	Exp.
306/65	Rev. 103/66
309/65	Rev. 290/68
311/65	Rev. 199/66
314/65	Rev. 389/66
320/65	Rev. 296/66
321/65	Rev. 1/67
322/65	Rev. 109/68
329/65	Revkg.
334/65	Rev. 97/68
337/65	Rev. 422/69
342/65	Rev. 129/67
343/65	Rev. 196/67
344/65	Rev. 44/66
345/65	Rev. 309/67
348/65	Rev. 428/69
349/65	Rev. 427/69
351/65	Rev. 24/66
354/65	Rev. 104/67
1/66	Rev. 145/66
6/66	Rev. 36/67
9/66	Rev. 295/67
10/66	Rev. 68/68
13/66	Rev. 395/66
15/66	Rev. 191/68
16/66	Rev. 190/68
17/66	Rev. 341/66
18/66	Rev. 271/68
24/66	Rev. 24/67
31/66	Exp.
33/66	Rev. 359/66
36/66	Rev. 341/66
37/66	Rev. 295/67
38/66	Rev. 366/68
39/66	Rev. 366/68
40/66	Rev. 366/68
45/66	Rev. 85/66
46/66	Rev. 368/69
49/66	Exp.
50/66	Revkg.
51/65	Rev. 229/68
54/66	Rev. 68/68

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56/66	Rev. 163/68
57/66	Rev. 164/68
62/66	Rev. 314/68
64/66	Rev. 345/69
65/66	Exp.
67/66	Rev. 155/66
76/66	Rev. 68/68
77/66	Exp.
80/66	Rev. 171/66
83/66	Rev. 276/66
84/66	Rev. 325/69
85/66	Rev. 68/68
89/66	Rev. 69/67
90/66	Rev. 449/69
92/66	Revkg.
94/66	Rev. 416/67
96/66	Rev. 327/69
98/66	Rev. 75/67
100/66	Rev. 190/68
101/66	Rev. 366/68
105/66	Exp.
108/66	Rev. 327/69
110/66	Revkg.
111/66	Exp.
118/66	Rev. 327/69
119/66	Rev. 361/66
122/66	Exp.
123/66	Exp.
124/66	Exp.
127/66	Rev. 68/68
132/66	Rev. 351/67
136/66	Rev. 1/67
137/66	Rev. 364/67
138/66	Exp.
139/66	Rev. 24/67
141/66	Revkg.
145/66	Rev. 75/67
146/66	Rev. 276/67
148/66	Rev. 310/66
149/66	Rev. 422/69
155/66	Rev. 75/67
157/66	Rev. 422/69
159/66	Rev. 56/67
161/66	Rev. 194/66
168/66	Rev. 229/68
169/66	Rev. 366/68
170/66	Rev. 283/69
171/66	Rev. 226/69
173/66	Rev. 110/69
174/66	Revkg.
176/66	Rev. 75/67
178/66	Rev. 350/66
181/66	Rev. 1/67
186/66	Rev. 445/67
194/66	Rev. 68/68
199/66	Revkg.
200/66	Rev. 417/67
210/66	Rev. 1/67
213/66	Rev. 68/68
218/66	Rev. 75/67
227/66	Rev. 366/68
232/66	Rev. 82/67
236/66	Rev. 141/68
247/66	Rev. 1/67
248/66	Rev. 75/67
253/66	Rev. 272/67
256/66	Rev. 24/67
257/66	Rev. 359/66
259/66	Rev. 287/66
266/66	Rev. 359/66
271/66	Exp.
272/66	Rev. 278/68
277/66	Rev. 104/67
279/66	Rev. 346/68
285/66	Rev. 68/68
287/66	Rev. 324/66
288/66	Rev. 294/67
296/66	Rev. 408/67
300/66	Rev. 282/68
303/66	Rev. 82/68
304/66	Rev. 68/68
306/66	Rev. 68/68
307/66	Rev. 196/67
314/66	Rev. 295/67
319/66	Rev. 359/66
322/66	Rev. 64/68
323/66	Rev. 62/68
324/66	Rev. 75/67
326/66	Rev. 1/67
327/66	Rev. 364/67
330/66	Rev. 272/67
334/66	Rev. 278/68
335/66	Rev. 277/68
338/66	Rev. 75/67
340/66	Revkg.
341/66	Revkg.
342/66	Rev. 277/68
345/66	Rev. 229/68
351/66	Rev. 24/67
354/66	Rev. 192/68
355/66	Rev. 190/68
357/66	Exp.
360/66	Rev. 327/69
365/66	Rev. 284/69
372/66	Rev. 420/68
375/66	Rev. 166/69
376/66	Rev. 364/67
377/66	Rev. 75/67
378/66	Rev. 441/69
381/66	Rev. 427/69
389/66	Rev. 452/67
391/66	Rev. 173/67
395/66	Rev. 75/67
14/67	Rev. 75/67
21/67	Exp.
23/67	Rev. 68/68
24/67	Rev. 43/68
28/67	Rev. 172/67
31/67	Rev. 365/67
36/67	Rev. 25/68
38/67	Rev. 352/67
39/67	Rev. 99/68
40/67	Rev. 155/68
42/67	Rev. 269/69
48/67	Rev. 94/68
52/67	Rev. 190/68
54/67	Rev. 416/67
65/67	Rev. 250/69
66/67	Rev. 249/69
67/67	Rev. 417/67
71/67	Revkg.
73/67	Rev. 235/67
75/67	Rev. 159/69

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82/67	Revkg.	341/67	Rev. 43/68
87/67	Rev. 185/68	344/67	Rev. 458/69
88/67	Rev. 416/67	346/67	Rev. 141/69
100/67	Rev. 257/69	348/67	Rev. 256/69
105/67	Rev. 311/69	349/67	Rev. 278/68
110/67	Rev. 68/68	351/67	Rev. 190/68
115/67	Exp.	352/67	Rev. 76/69
118/67	Rev. 345/67	354/67	Rev. 109/68
123/67	Rev. 68/68	355/67	Rev. 190/68
127/67	Revkg.	369/67	Rev. 279/68
129/67	Revkg.	373/67	Rev. 43/68
134/67	Exp.	375/67	Rev. 278/68
135/67	Exp.	376/67	Rev. 117/68
136/67	Exp.	383/67	Rev. 449/67
140/67	Rev. 62/68	384/67	Rev. 278/68
144/67	Rev. 110/69	392/67	Exp.
147/67	Exp.	401/67	Rev. 345/69
157/67	Rev. 163/68	404/67	Rev. 327/69
159/67	Rev. 77/68	408/67	Rev. 258/68
160/67	Rev. 12/69	413/67	Rev. 68/68
163/67	Rev. 175/69	416/67	Revkg.
165/67	Rev. 366/68	417/67	Revkg.
167/67	Rev. 327/69	418/67	Rev. 394/69
170/67	Rev. 345/68	437/67	Rev. 310/68
172/67	Rev. 376/67	441/67	Rev. 279/68
173/67	Rev. 68/68	452/67	Rev. 146/69
175/67	Rev. 68/68	453/67	Rev. 327/69
186/67	Rev. 364/67	456/67	Rev. 109/68
188/67	Rev. 198/69	458/67	Rev. 74/69
192/67	Rev. 307/68		
203/67	Rev. 448/69	1/68	Rev. 147/69
206/67	Rev. 99/68	7/78	Rev. 155/68
208/67	Revkg.	25/68	Rev. 40/69
212/67	Rev. 147/69	30/68	Rev. 12/69
215/67	Rev. 469/69	38/68	Rev. 310/68
222/67	Rev. 107/68	43/68	Rev. 82/69
225/67	Rev. 382/69	46/68	Rev. 312/68
228/67	Rev. 306/67	51/68	Rev. 337/68
235/67	Rev. 354/67	54/68	Rev. 298/69
237/67	Rev. 364/67	60/68	Rev. 82/69
250/67	Rev. 188/69	78/68	Rev. 198/68
253/67	Rev. 155/68	79/68	Rev. 487/69
255/67	Rev. 400/67	84/68	Rev. 12/69
261/67	Rev. 110/69	90/68	Rev. 441/69
263/67	Rev. 16/69	91/68	Rev. 182/68
264/67	Rev. 12/69	92/68	Rev. 282/68
272/67	Rev. 237/69	93/68	Rev. 260/68
273/67	Rev. 277/68	94/68	Rev. 162/68
274/67	Rev. 277/68	101/68	Rev. 273/68
276/67	Rev. 177/69	111/68	Rev. 157/68
293/67	Rev. 327/69	119/68	Rev. 331/68
294/67	Rev. 235/69	124/68	Rev. 441/69
295/67	Rev. 406/69	125/68	Rev. 194/68
298/67	Rev. 159/69	134/68	Rev. 254/68
300/67	Rev. 364/67	136/68	Exp.
306/67	Rev. 159/69	141/68	Revkg.
308/67	Rev. 386/68	142/68	Rev. 284/69
311/67	Rev. 445/67	146/68	Exp.
312/67	Rev. 445/67	147/68	Exp.
313/67	Rev. 445/67	154/68	Rev. 420/68
321/67	Rev. 364/67	157/68	Rev. 310/68
324/67	Rev. 119/69	165/68	Rev. 190/68
325/67	Rev. 280/68	167/68	Rev. 159/69
329/67	Rev. 241/68	168/68	Rev. 327/69
337/67	Rev. 382/69	172/68	Rev. 82/69
339/67	Rev. 68/68	177/68	Rev. 169/69
340/67	Rev. 286/68	182/68	Rev. 49/69

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185/68	Revkg.	376/68	Rev. 159/69
192/68	Revkg.	377/68	Rev. 382/69
194/68	Revkg.	378/68	Rev. 223/69
196/68	Rev. 159/69	384/68	Rev. 409/69
212/68	Rev. 327/69	390/68	Rev. 25/69
232/68	Rev. 409/69	401/68	Revkg.
233/68	Rev. 164/69	408/68	Rev. 62/69
240/68	Rev. 45/69	410/68	Rev. 159/69
241/68	Rev. 235/69	412/68	Rev. 487/69
242/68	Rev. 127/69	413/68	Revkg.
244/68	Rev. 420/68	428/68	Rev. 237/69
257/68	Rev. 159/69	435/68	Rev. 256/69
258/68	Rev. 444/68	444/68	Rev. 108/69
265/68	Rev. 315/68		
268/68	Rev. 112/69	5/69	Rev. 184/69
271/68	Revkg.	21/69	Rev. 159/69
278/68	Rev. 25/69	24/69	Rev. 449/69
279/68	Rev. 237/69	64/69	Rev. 463/69
282/68	Revkg.	67/69	Rev. 306/69
288/68	Rev. 315/68	69/69	Rev. 263/69
295/68	Rev. 62/69	108/69	Rev. 273/69
297/68	Rev. 406/69	110/69	Rev. 451/69
313/68	Revkg.	116/69	Rev. 292/69
315/68	Revkg.	127/69	Rev. 308/69
318/68	Rev. 119/69	138/69	Rev. 407/69
319/68	Rev. 25/69	180/69	Rev. 382/69
324/68	Rev. 159/69	192/69	Rev. 463/69
328/68	Rev. 311/69	222/69	Rev. 340/69
329/68	Rev. 330/68	227/69	Rev. 382/69
330/68	Rev. 159/69	231/69	Rev. 264/69
336/68	Rev. 126/69	246/69	Rev. 255/69
356/68	Rev. 82/69	256/69	Rev. 426/69
357/68	Rev. 237/69	349/69	Rev. 355/69
363/68	Rev. 25/69	401/69	Rev. 490/69